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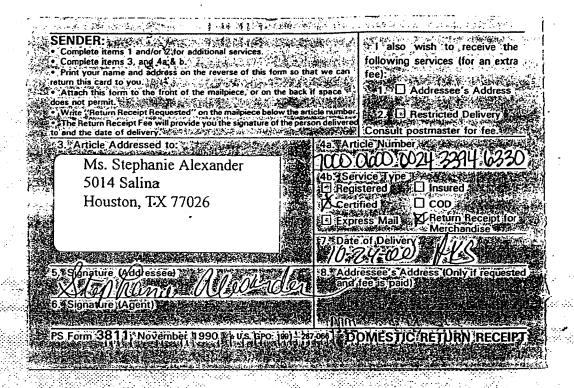


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PS Form 3811, November 1990 * U.S. GPO: 1991–287	7.066 D	OMESTIC RETURN RECEIPT
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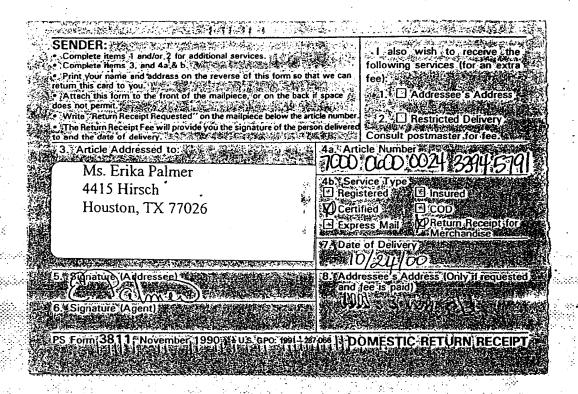
PS Form 3811, November 1990 *U.S. GPO: 1991-287-066 DOMESTIC RETURN RECEIPT

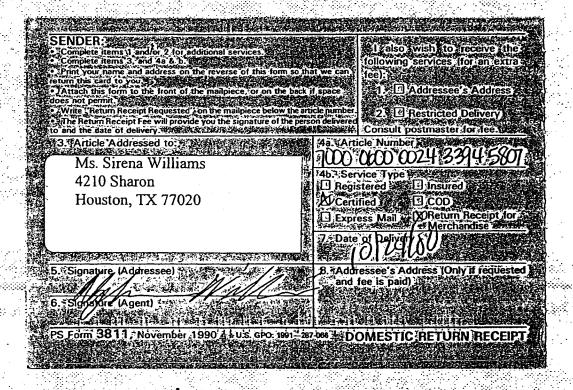


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Print your name and address on the reverse of this form so return this card to you return this card to you are turn this card to you are turn to the front of the mailpiece, or on the badoes not permit to write "Return Receipt Requested" on the mailpiece below the The Return Receipt Fee will provide you the signature of the pto and the date of delivery.	ck if space 1. Addressee's Address
3. Article Addressed to:	4a. Article Number
Ms. Tessia Zenon	7000 0600 0024 22414 6255
2706 Staples	4b. Service Type
Houston, TX 77026	☐ Registered ☐ Insured
	Express Mail
	7. Date of Delivery
And the state of t	* * SUM
5. Signature (Addressper) 6. Signature (Aggret)	8. Addressee's Addressed and fee is paid)
PS/Form 8811; November 1990 * u.s. GPO: 1991	287-066 DOMESTIC RETURN RECEIPT
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:	Harris	County Dec	ceased Vot	ing Histo	ory	
	Certificate	Last Name	First Name	DOD	Year Voted	Additional Voting Year
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_1	00304006	Arnold	James	5/13/1993	The second of the second second second	
2	02651602	Blesener	' Ambrose	6/6/1996		11/7/2000
3	02651602	Bourdon	Maxine	7/15/1991	11/8/1994	
4	03093879	Burden	Edda	8/26/1998	11/3/1998	
5	27680636	Campbell	ES	9/27/1993	11/5/1996	
6	03211703	Coleman	Ledorse	5/8/1995	11/3/1998	
7	00888792	Doe	Lula	Jan 1993	11/3/1998	
8	10102986	Furlong	Tomas	Aug 1983	11/5/1996	
9	12278172	Guidry	John	5/22/1994	4/9/1996	3/10/1998
10	09244013	Henry	Edmond	10/19/1994	41/5/1996	
11	03470978	Holzwarth	Karl	3/31/1996	11/3/1998	
12	09111295	Kapelka	Joyce	1/9/1998	-11/3/1998	
13	01312024	Hitching	TD	6/29/1996	11/5/1996	
14	01658962	Longmire	Sylvester	11/15/1996	11/3/1998	
15	10205037	McLean	Willis	5/24/1995	3/10/1998	
16	01154038	Mims	Frank	1/26/1993	41/5/1996	
17	01688720	Monroe	Robert	5/31/1998	11/3/1998	
18	24852279	Navarro	Edward	8/15/1996	411 <i>151</i> 1996	
19	04538682	Rogers	LC	10/15/1987	1-1/2//1997	
20	11193695	Rowe	John	9/19/1990	######################################	
21	37677119	Sklar	Mendel		11/3/1998	
22	20990974	Smith	Stella		3//14//2000	
23	26841015	Spell	Billy		11/5/1996	
24	00746719	Vanderlyn	JR		11/5/1996	



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· Q											

Have you ever sustained any	accidental bodily injury requiring	medical attention?	Yes 🗍 No	
If so, what type?		ARNOLD JAME	C P	
Has any member of your fami	ly ever sustained any accidenti	0030400-6		DX ON
If so, what type?	1	A 6 7		2
Make Name / Address HC05461812 SEP 2 9 1000 ARNOLD, JAMES P 10830 SAGEWIND I HOUSTON, TX 7708	3 chick-le popular po de propose	A Your :	religious preter	00304006 cense or I.D. no. ence (optional) _ no. (optional) _
068173 AGE	REGISTRATION CERTIFICATE HARRIS COUNTY, TEXAS 0 1 6 3 3 3 SEX: X, MALE	58 ARNOLD J	IAMES P	7 <u>-</u> 3. 14 3033400-6
RESIDENCE: I CERTEY THAT THE APPLICANT IS PETERS OF	RESIDENT ADDR	reer .	VOING	CONTROL NO.
RESDIENCE: CERTEY THAT THE APPLICANT IS PHEAS OF ACT OR OWER A CHIEVE OF THE UNITIES STATES, AND HAS BE DED IN TEXAS MORE THAN I YEAR AND IN COUNTY AND CITH MORE THAN STEM MONITS PRECEDING THE DATE OF THIS APPLICATION EXCEPT AS TISTED BELOW I UNDESTAND THAT THE COVING OF FASSE MORRANDON TO PROCURE THE REGISTRAL ON OF A VOTER IS A FELDINI.	1083D SAGEWIND HOUSTON		98ECINCI 076 [# ENOWN]	I
MONTH DAY YEAR	VOTER'S NAME (MAIL CERTIFICATE TO	THE FOLLOWING TEMPORARY ADD	DPESS)	
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TO COMPLETE AF	FLICATION OTHER	SIDE MUST BE	FILLED	11 4

SSA Death Master File Detail

Name ARNOLD,JAMES P	Social Security Number	Verify/Proof none found	Last Known ZIP Code
Lump Sum Payment ZIP Code	State/Country of Residence	Date of Birth	Date of Death
	none found	Sep 17 1938	May 13 1993

The detail view of this record will be recorded as one 'Detail look-up'

http://www3.publicdata.com/cgi-win/pd.exe/Detail?db=USSSDM&ed=31&rec=53228543&... 5/2/2007

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Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 19 of 170

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APPLICATION FOR VOTER	REGISTRATION CERTIFICATE	o	265160-2
1/6/20	HARRIE COUNTY, TEXAS D48483 BLESENER	AMBRUSE	J
CHECK HERE # SERVICEMAN OR STUDENT	E 59 SEX: A MALE LUMBER D	ATE 4777	10 191 -
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4E GIVING OF FAISE INFORMATION TO PROCURE THE SISTERATION OF A VOTER IS A FELOME CEPTIONS	HOUSTON	IN KNOWN)	
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OW DATE CH ARRIVE. F IN TEXAS LESS THAN 1 YEAR			RECTIONS
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1 Cample - 1 Bl		<u> </u>	
SIGNATURE OF VOTER / A	GENT TELEPHONE NUMBER		
	N OF DAUGHTER ONLY		
	PPLICATION OTHER SIDE MUST B	E FILLED	IN
	11111 4 4 4000		
•	JUN 1 4 1993		
OVER 65 PERMANENT	EXEMPTION FROM JURY SERVICE	11	<i>a</i> .
TEXAS DRIVER'S LIC. #	voter cert. #_().	<u>x(/2//_0</u>	<u> </u>
D.P.S. IDENTIFICATION	# CODE 2 DATE_	5-17-93	
NAME RLESENER		TO SEPH	
LAST		MIDDLE	
ADDRESS OCH	Wooding Houston 1	7011	·
DATE OF BIRTH	1-21-1912	CNO	61408
) PLACE OF BIRTH NO	RIHFIELD MINNESOFA		
IN ACCORDANCE WITH TEXAS, I AFFIRM TH PERMANENT EXEMPTIO		TATUTES O D DESIRE UND.	
() SIGNATURE Combon	n Blisma DATE	· · ·	
Name on record Pil	esempr Ambrost T Dep. 1	57/10/13	
		\ - T	

➡Texas Driver Detail

Name BLESENER,AMB	ROSE J	IOSEPH	License number
Address	Γ	<i>DOB</i>	Class
904 WOODING ST		Sep 21 1912	I
City/Zip		Gender	Race
HOUSTON 77011		Male	White
Height	Weight	Eye color	<i>Hair</i>
510	200	Blue	Gray
Last transaction date Nov 25 1999		nsaction record i	·
Above information as p	rovided i	by state - below is	our annotations
Address (click to find o	ihers)	City/State/Zip (ci	lick to find others)
904 Wooding St		Houston , TX	77011-2604

1265/602

http://.../Detail?db=txdl&rec=4466053&dlnumber=HARRIS006&dlstate=CORP&id=1104493 5/10/01

♥SSA Death Master File Detail

Name		Social Security Number
BLESENER,AMB	ROSE	k
Last Known Zip Code	Date of Birth	Date of Death
77261	Sep 21 1912	Jun 6 1996

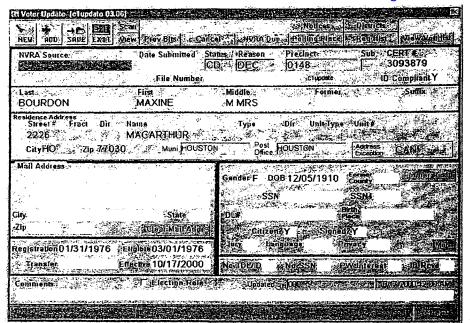
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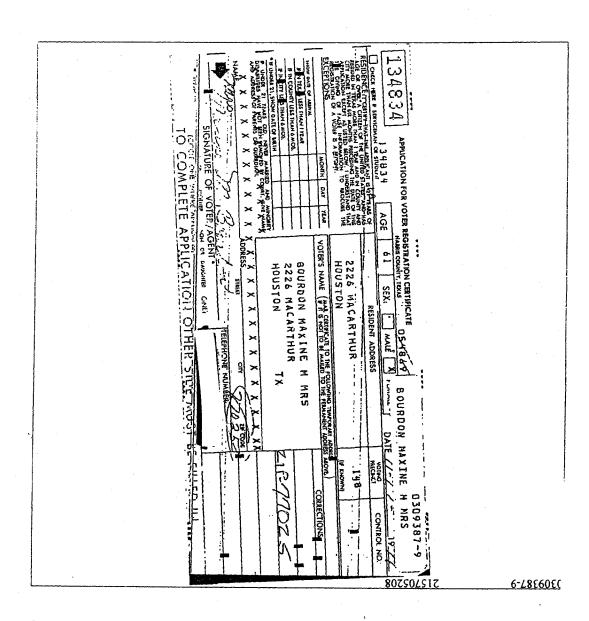
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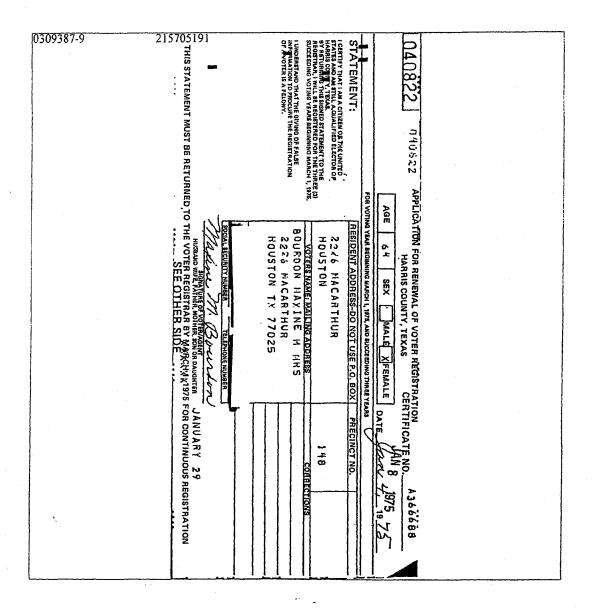
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.APPLICANT'S .ATTORNEY OF RECORD .NATURE .STYLE OF PROBATE .NAME AND ADDRESS .AND ADDRESS .OF PROC	ĭ×	HOUSTON	3220 LOUISIANA #201	HOUSTON TX 77011	
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	.DATE OPEND.	NATURE	.ATTORNEY OF RECORD	.APPLICANT'S	R.C.DOCKET.SUB.

Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 23 of 170



Country clerk says Sast voted 11/8/1994





0309387-9 215705182	
In accordance Texas, I affi permanent exe	OVER 65 PERMANENT EXEMPTION DEC 3 1 1979 CODE Y DATE 12-17-75 PERMANENT EXEMPTION DEC 3 1 1979 CODE Y DATE 12-17-75 NAME LOUNGON MAS. MAYNE MIddle Last First Middle ADDRESS COOK MARS. MAS. MAS. MAS. MAS. MAS. MAS. MAS. MA

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	y confirm that Deceased. O Not deceased. O not deceased. attoriship to Butter this 5173
	I.hereby confirm that BOURDON MAXINE M Let Deceased. O Not deceased and the information is i Signature Backbala & Ballala My relationship to BOURDON MAXINE M M Please complete this form and return to: Tax Please Total Pegistration Page: Total Pegistration
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	5.————————————————————————————————————
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	Tour And C sin All
	I hereby confirm that BOURDON MAXINE M MRS is: Let Deceased. O Not deceased and the information is inaccurate. Signature Ballman & Entrace My relationship to BOURDON MAXINE M MRS is: Please complete this form and return to: Paul Bettencourt Tax Assessor-Collect P. O. Box 3527 Houston, TX 77253: 1 70 Ter Pegistration Notice
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1 of the state of	03093879

⇒SSA Death Master File Detail

Name	Social Security Number	Verify/Proof	Last Known ZIP Code
BOURDON,MAXINE M		none found	77030
Lump Sum Payment ZIP Code	State/Country of Residence	Date of Birth Dec 5 1910	

The detail view of this record will be recorded as one 'Detail look-up'.

http://www7.publicdata.com/cgi-win/pd.exe/Detail?db=USSSDM&ed=31&rec=54519678&... 5/2/2007

Notec Election Mi	anagement System - ü		×
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Mail Address প্ৰ Voting History (c	Gend or BURDEN EDD(40.55	er F DOB 12/28/1943	Former County Eormer Resid
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0396 03/12/1996	E R PRIMARY ELECTION	P	12/27/2000 12:00 AM
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First Name (NOT H			Maiden Name
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(Soxo) (Fecha de Nacimiento) 2 8 -4 3 City of Cou		A l'ecoressell messen	de su residencia previa)
	dado) (estado o pris extranjero)		Í
month, day, year (et mes. et dia. et fino. 5000-1	DETELLI CHANG	NY	1
Permanent Residence Address: Street Address and Apartme	nt Number City State and ZIP II	more describerations	on of residence. (Do not include
P.O. Box of Rural Rt.) (Dirección de Residencia flermanente. Calle y I	imaco de Departambolo Coura de Estad	/1	ne, describa la localidad de su residen-
cia No incluya su calagossal o ruta rural)	מרכיים וויין וויים וויין	420	le. describa la localidad de su lesiden-
LIZZZ LADON CUCTO	Having TO	SOUTE mais No.	mhar ritimero de Seguro Sociali
= 4323 EXCONPICAL	100059000.0	.)} . —	
Mailing Address, City, State and ZIP: If mail cannot be delive	used to your occupant casidana		
address. (Dirección Postal, Ciudad, Estado y Zona Postal) (si es			(Óptional)
cia a su dirección permanente)	impusible emregar conjestioniden	d. 20 " "read	
1	, · · ·		(37.4-7.6)
		Presince stumber (i)	
7h			
The applicant is a citizen of the United States and a reside	nt of this county. Applicant has	not been I hally con	wicted of a lelony or, if a felon,
Is eligible for registration under Section (3.001(a)(4) of the registration of a voter is a misdemeanor, (El suplicante es ciudal	exas Election Code. I understan	o mar meraning of	laise information to procure the
Inalmente de un crimen, o, si es criminal, está elegible para registrarse	ano de los Estados Unidos y es resider	te de ester indado E is	uplicante no ha sido probado culpable
para votar bajo las condiciones de la Seccion (3,00)/a(2) del Codigo	Court of Naturalization it Applicab		
de Elecciones de Texas Yo entiendo atte es un dento mendi dar intor-	(Corte de Naturalizaင်းမျှိုင်သို့ မြည်းပြင်ချ		ന്നാന തെ സ്ത്ര
mación lasa con mojvo de conseguy el registo de un votante !	<u> </u>		ווריבי וא או ויחועי
X Vala (1911)	FOR AGENT IPARA AGENTEL Application may	time, seed to wromada	e a qualified splet of this county or have submit-
* xuue VJU/a/	ted a registration application and must otherw-	ocide tierchi vare and malst	Dr Ifie acolicant's hurband, wife father mother
Signature of Applicant or Agent or Printed Name of Appli-	12n of daughter (La solicitud padra estar dif. gue habit presentado una solicitud para regist	g the Carrott of John State Collect	ser un volanta capacitado de este condado o
cant if Signed by Witness (Firms del Suplicante o Agente o Nom-	depart ser el espeso espoja pagre magre i	ser in a come	to deberá de estar elegible para votar. El agento
cant it Signed by Wilness (Firms del Suplicante o Agente, o Nom- bre del Suplicante En Letra de Moide Si Fue Firmado Por Un Testigo)	1 . ;	li I	
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VOTER REGISTRATION APP	LICATION SOLICE	TUO PARA RE	GISTAD DE	LUTAN	J.E)		
PLEASE COMPLETE ALL OF THE INFORMATION BELOW, PRINT IN IN PROPERTY OF THE PROP	K OR TYPE	Fo	or Offic 25 % 20 CT Case		·	EDA	
Last Name First Name NOT H		Middle Nar				Name	Signer.
Sex Date of Birth Place of Birth (Sexo) (Feche de Decimiente) City or councidad o confidente (Feche de Decimiente) Place of Birth (Sexo) (Feche de Decimiente) Composition (Feche de Decimiente) Composition (Feche de Decimiente) (Feche de Decim	dado) (estado o país	eign country	County and (Consists) of 7.343	22/20	da yu res	ormer Res Idencia pre VI -Y) CV	
Permanent Residence Address: Street Address and Apartme P.O. Box or Rural Rt.) (Direction de Residencia-Permanente: Calle y N cls. Ho Incluye su ceja postel a rural DE 11 4323 BHOOK LIE OF HOUSTON				tiene	. r ascriba	la localida	d de su residen-
Malling Address, City, State and ZIP: If mail cannot be delive address. (Dirección Postal, Ciudad, Estado y Zoria Postal) (si es cla a su dirección permanente)			Telzphano No (Nymero - 17 17 Pysainat Hur (Nymero ca py	escr (it kı	(wn)), H_ G	1-11-92
The applicant is a citizen of the United State's and a reside is oligible for registration under Section 13.001(a)(4) of the registration of a voter is a misdemason. (Ei significance sciuda finalmente de un crimen, o, si es criminal, está etiglolé para registrarse	Texas Election Code. dano de los Estados Unid	l understand i os y es residente	hat the give	Q of fa	ize into	mation to	procure the
para votar bajo las condiciones de la Sección 13.00(d)k/d del Código de Elecciones de Texas Yo entiende que es un delitrif menor dar infor- mación Auta adm motivo de coñaebuir el relostrorde la votente.	Court of Naturalization	m, II Applicable	6 199	,	OC.	110	1990
X-LOCA DUTUUM Signature of Applicant or Agent or Printed Name of Applicant if Signed by Witness (Furma del Suplicante d'Agente, o Nombre del Suplicante En Letre de Molde Si Fue Firmado Por Un Testigo)	FOR AGENT (PARA AGENTE, led a reglatration abpützation son or daughlot, (Le tokellu aur habid presentado una st debera ser el espoco, et pos	and must otherwise i d podrá estar dirigió hicklud para registrar	bala tika kalent a bersen a peran an para katan yan	r d mues b ; 2 Liedeb c. chem a sa	the apolica true volant	nts kusband, i Is capaciledo	uife, father, meihec de este condado o

v-00193	Document 725-36	Filed on 11/	17/14 in TXSD	Page 32 c	of 170
Paul H	Bettencourt	·			
	y Tax Assessor-Collector and Vo	ter Registrar	Date Maile	ed: August 22, 2	000
				Ro (000 (123/00
BUF 432: HO	RDEN EDDA MEDLHAMN BROOKFIELD DR USTON TX 77045-6207				
	vo	TER REGISTR	ATION NOTICE		
	see's name, Social Security nty Death Index database. T			-	
relationship	oond by providing the inf to the voter in the space p s notice will not affect your	provided below. U	lpon the receipt of y		
	G: This voter registration is the 60th day after the date the				vided to the voter
If you have	any questions, or if this info	ormation is inaccur	ate, please call our of	ffice at (713) 22	4-1079 as soon as

possible. Our Web site at [www.tax.co.harris.tx.us] contains an updated Harris County Voter Registration

Signature Hend. 8. Burden Date 8/23/00

My relationship to BURDEN EDDA MEDLHAMMER is: Jarmer nothi in law

Paul Bettencourt Tax Assessor-Collector

Houston, TX 77253-3527

P. O. Box 3527

Marty Morrison

Director of Voter Registration

27 (8043.4

database for your reference.

Thank you for your assistance.

Paul Bettencourt

Voter Registrar, Harris County, Texas

Deceased. ang 2-3,1988,

Please complete this form and return to:

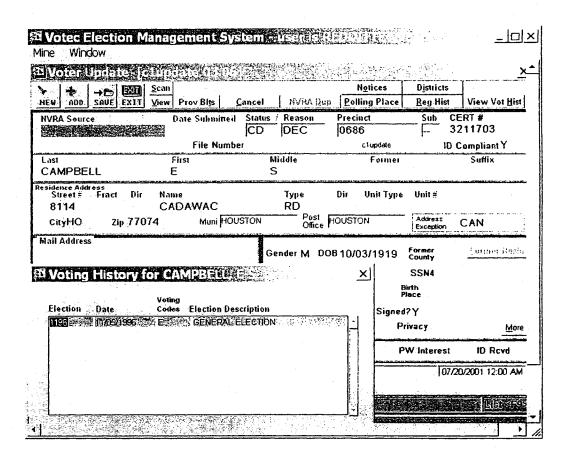
I hereby confirm that BURDEN EDDA MEDLHAMMER is:

☐ Not deceased and the information is inaccurate.

SSA Death Master File Detail

Name BURDEN,EDDA R	Social Security Number	Verify/Proof Death certificate observed	Last Known ZIP Code 77045
Lump Sum Payment ZIP	State/Country of Residence none found	Date of Birth	Date of Death
Code		Dec 28 1943	Aug 26 1998

The detail view of this record will be recorded as one 'Detail look-up'.



Case 2:13-cv-00193		25-36 VOTER R	FILED OF	KINCAIE No 'DB463		032	of 170
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PublicData.Com [SSA Death Master File Detail]

Page 1 of 1

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SSA Death Master File Detail

Name CAMPBELL,EDW		Social Security	Number
Lusi Known Zip Code	Date of Birth Oct 3 1919	Date of Death Sep 27 1991	

03211703

TX_00002404

Office of Beverly B. Kaufman, County Clerk, Harris County, Texas Probate Court Inquiry System

APPLICANT'S ATTORNEY OF RECORD NAME AND ADDRESS AND ADDRESS CAMPBELL MAEBELLE S THOMPSON JAMES D HOUSTON TX 77074 10405 TOWN & CTRY WAY			Main Menu	Back to Inquiry Main Menu	
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Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 39 of 170 APPLICATION FOR VOTER REGISTRATION CERTIFICATE HARPIS COUNTY, TEXAS 0069879-2 199603 109026 X MALE . COLEMAN LEDORSE CHECK HERE & SERVICEMAN ON STUDENT RESIDENT ADDRESS VOTING PRECINCT CONTROL NO 2422 ROSEWOOD 210 HOUSTON MONTH DAY YEAR VOTER'S NAME (WHI CERTIFICATE TO THE FOLLOWING TEMPORARY ADDRESS ABOVE) SHOW DATE OF APPICAL # INTEXAS L SS THAN T YEAR # INCOUNTY LESS THAN 6 MOS COLEMAN LEDORSE # IN CITY LESS THAN & MOS 2422 ROSEWOOD # UNDER 21. SHOW DATE OF SHITH HOUSTON Tx 77004 IF UNDER 21 YEARS OLD, NEVER MARRIED AND MINDRITY DISABILITIES HAVE NOT BEEN REMOVED BY COURT, GIVE NAME AND ADDRESS OF PARKINSON QUARDIANA A A A STREET CODE NUMBER SIGNATURE OF VOTER AGENT TATHER MOTHER SON OR DAUGHTER ONLY (CIRCLE ONE WHERE APPLICABLE) TO COMPLETE APPLICATION OTHER SIDE MUST BE FILLED IN COLEMAN LEDORSE DΧ --8888879-2--COLEMAN LEDORSE Re: 00888792 1 Certificate # Х-

⇒SSA Death Master File Detail

Name	Social Security Number	Verify/Proof	Last Known ZIP Code
COLEMAN,LEDORSE		none found	77004
Lump Sum Payment ZIP Code	State/Country of Residence	Date of Birth	Date of Death
	none found	Jan 28 1908	May 8 1995

The detail view of this record will be recorded as one 'Detail look-up'.

http://www3.publicdata.com/cgi-win/pd.exe/Detail?db=USSSDM&ed=31&rec=53877616&... 5/2/2007

Office of Beverly B. Kaufman, County Clerk, Harris County, Texas Probate Court Inquiry System

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SSA Death Master File Detail

Name		Social Security Number
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Last Known Zip Code		
77022	Mar 12 1911	Jan 0 1993

10102986

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Office of Beverly B. Kaufman, County Clerk, Harris County, Texas Probate Court Inquiry System

R.C.DOCKET.SUB.	.APPLICANT'S	ATTORNEY OF RECORD	.NATURE	.DATE OPEND.	
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3 256990 001 DOE LULA MARGIS+D+	PORTER CAROL J	HARTSFIELD HAROLDEEN	PW-LT	01-21-1993 681341679	681341679
4504 OLD YALE	HOUSTON TX 77018	55 WAUGH DR #400	HOUSTON	TX 77007	
3 256990 401 DOE LULA MARGIS*D*	ARNOLD NORVELLA DOE	WASHINGTON GEORGE JR	C-WILL	02-23-1993 682360454	682360454
	STATE OF TN	1808 WHEELER AVE	HOUSTON	TX 77288	
3 256990 401 ARNOLD NORVELLA DOE*P* PORTER CAROL J	PORTER CAROL J	WASHINGTON GEORGE JR	C-WILL	02-23-1993 682360454	682360454
	STATE OF IN	1808 WHEELER AVE	HOUSTON	TX 77288	
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Back to Inquiry

Main Menu

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Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 47 of 170

Rc: FURLONG TOMAS SALVADOR Certificate # 12278172 1 Х-

Confirmation is hereby given that the person named above is: Se da aqui confirmacion que la antedicha persona nombrado a:

Deceased/Fallecido On 8-28-83

☐ Not deceased and the information is incorrect (No a fallecido y la informacion esta incorrecto)

Date of 13 milh - 6-23-32

wife Relationship/Parentesco Date/Fecha Aug. 26-99

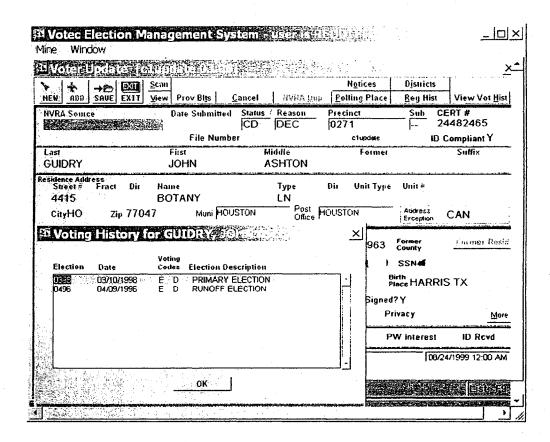
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SSA Death Master File Detail

Name FURLONG,TOMAS	Social Security Number	Verify/Proof none found	Last Known ZIP Code
Lump Sum Payment ZIP Code	State/Country of Residence	Date of Birth	Date of Death
78250	none found	Jun 23 1932	Aug 1983

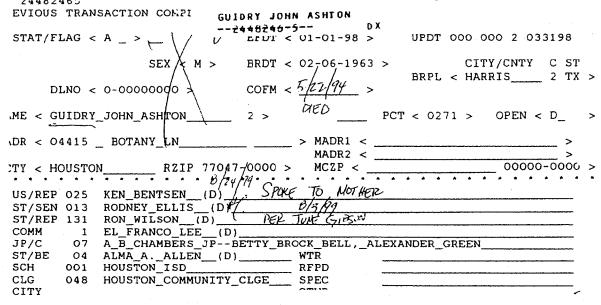
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Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 51 of 170



PublicData.Com [SSA Death Master File Detail]

Page 1 of 1

PUBLICDATA.com

⇒SSA Death Master File Detail

Name GUIDRY,JOHN		Social Security Nu	ımber
Last Known Zip Code	Date of Birth	Date of Death	
77031	Feb 6 1963	May 22 1994	

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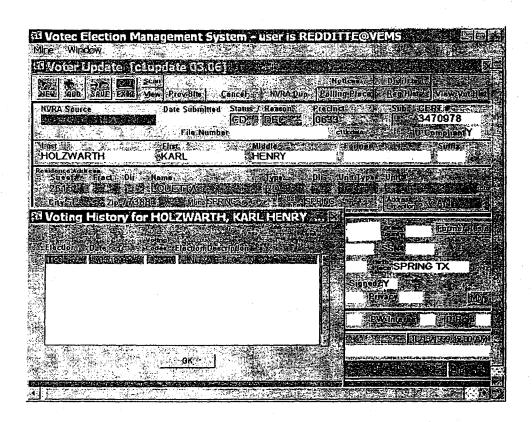
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		AG < >	EFDT <0724481-3 DK 0 010198
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	for Official use only)	Election Pct #	Mail or deliver to Tax Assessor Culterior of counits every Nank, "Effective on Minh day after delivery to V. Type OR PRINT IN INK. (111) 15.13
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	Maiden surrame if marr PERMANENT RESIDE Street & apr # (not P.O.)	recognistine)	City RAMABITON Birth Place State: Jeylow or Foreign Country or Foreign Country Lectify that the applicant is 12 years of age not over, it a citizen of the United States, has mer all legal requirements, and holds legal residence in this country. I understand that the giving of false inflation to proceed the residence in this country.
	MAILING ADDRESS I	TURES 17016 F DIFFERENT FROM ABOVE	SIGNATURE OF VOTER AGENT SUMMED of House
	City .	Zip	The disclosure of social security number is voluntary only, is solicited by sutherity of Section 45h, Tease Election Code, and will be used only by election officials to maintain the accuracy and mergify of the registration records. Husband-Wife-Mother-Father-Son-Daughter
		VOTER REGISTR	ATION APPLICATIONNCHANGE FORM (AR. 5.3% V.T.) 151 R 0924401-3
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		ALLIEGA REQUIREMENTS AND MODES HID ORDANISM TO PRODUCE THE RECEST OF THE PROPERTY OF THE PROPE	DID DIS COMRECT. THE APPLICANT IS A CITIZEN OF THE UNITED STATES HAS MET. EACH RESIDENCE IN THIS COUNTY, INDURERSHAD HAN THE CONNER OF LAISE """ "" "" "" "" "" "" "" "" "" "" "" "

SSA Death Master File Detail

Name	Social Security Number	Verify/Proof	Last Known ZIP Code
HENRY,EDMOND		none found	77016
Lump Sum Payment ZIP Code	State/Country of Residence	Date of Birth Mar 12 1957	Date of Death Oct 19 1994

The detail view of this record will be recorded as one 'Detail look-up'.

http://www3.publicdata.com/cgi-win/pd.exe/Detail?db=USSSDM&ed=31&rec=53094312&...~5/2/2007



TX_00002424 JA_005183

Re: Certificate #	HOLZWARTH KARL HE 03470878 1	INRY			•• • •
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Confirmation Se da aqui co	n is hereby given that the personfirmacion que la antedicha	on named above is: persona nombrado a:			
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PublicData.Com [SSA Death Master File Detail]

Page 1 of 1

PUBLICDATA.com

⇒SSA Death Master File Detail

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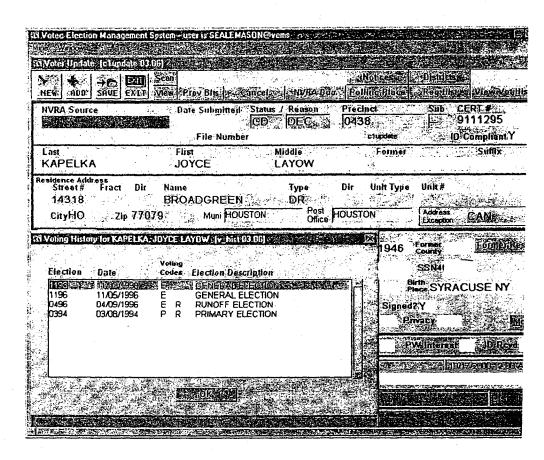
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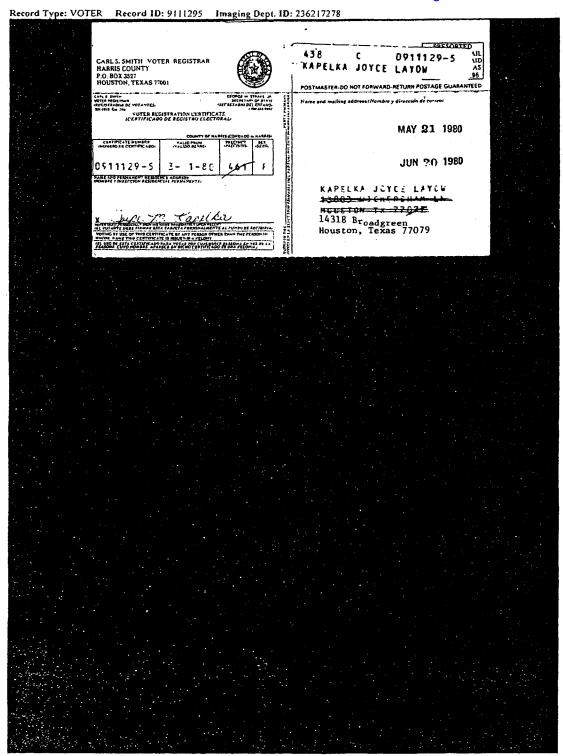
Office of Beverly B. Kaufman, County Clerk, Harris County, Texas

04-12-1996 640613718



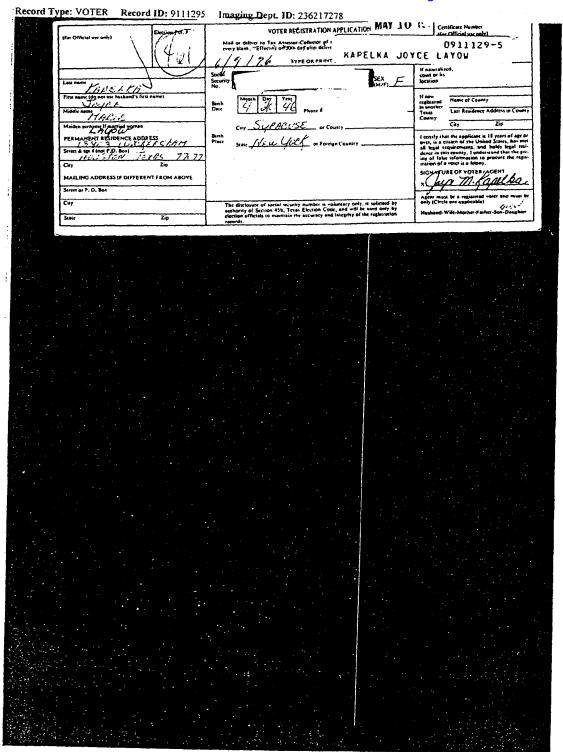
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Doc ID: 5735541 Page: 2 of 7.



Doc ID: 5735541 Page: 4 of 7.

Case 2:13-cv-00193 Document 725-36 Filed on-11/17/14 in TXSD Page 63 of 170



Doc ID: 5735541 Page: 6 of 7.

Record Type: VOTER Record ID: 9111295 Imaging Dept. ID: 236217278

Harris County Tax Assessor-Collector and Voter Registrar

Date Mailed: August 22, 2000

14318 BROADGREEN DR HOUSTON TX 77079-6605

VOTER REGISTRATION NOTICE

The addressee's name, Social Security number, and date of birth matched exactly with that of a record in the Social Security Death Index database. This indicates that the registered voter named in this noticeds deceased.

Please respond by providing the information requested below. Please include your signaline and your relationship to the voter in the space provided below. Upon the receipt of your response, we will update the record. This notice will not affect your Social Security benefits.

WARNING: This voter registration is subject to cancellation if an appropriate reply is not provided to the voter registrar by the 60th day after the date this notice is mailed (Texas Election Code Sec. 16.033 (c)).

If you have any questions, or if this information is inaccurate, please call our office at (713) 224-1919 as soon as possible. Our Web site at [www.tax.co.harris.tx.us] contains an updated Harris County Voter Registration database for your reference.

Thank you for your assistance.

Paul Bettencourt

Deceased.

Voter Registrar, Harris County, Texas

Marty Morrison

Director of Voter Registration

I hereby confirm that KAPELKA JOYCE LAYOW is: O

☐ Nov deceased and the information is inaccurate.

My relationship to KAPELKA JOYCE LAYOW

Please complete this form and return to:

Paul Bettencourt Tax Assessor-Collector

P. O. Box 3527

Houston, TX 77253-3527

Doc ID: 5735541 Page: 1 of 7.

⇒SSA Death Master File Detail

Name KAPELKA,JOYCE M	Social Security Number	Verify/Proof Death certificate observed	Lass Known ZIP Code
Lump Sum Payment ZIP Code	State/Country of Residence none found	Date of Birth Sep 20 1946	Date of Death Jan 9 1998

The detail view of this record will be recorded as one 'Detail look-up'.

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Case 2:13-c	v-00193 Document 725	5-36 Filed on 11/17/14 in TXS	D Page	67 of 170
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PublicData.Com [SSA Death Master File Detail]

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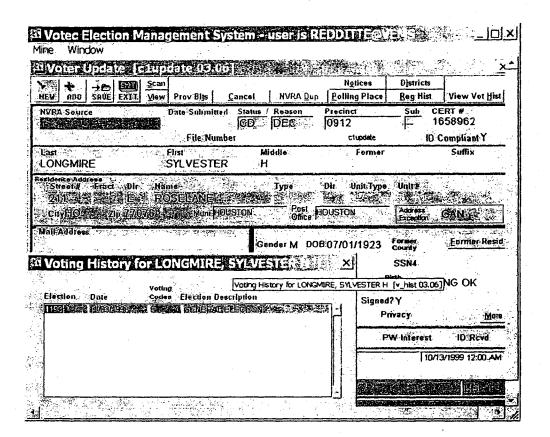
PUBLICDATA.com

⇒SSA Death Master File Detail

Name KITCHING,TOM D	Social Security Number	Last Known ZIP Code 77080
Lump Sum Payment ZIP Code		Date of Death Jun 29 1996

The detail view of this record will be recorded as one 'Detail look-up'.

http://www7.publicdata.com/cgi-win/pd.exe/Detail?db=USSSDM&ed=31&rec=51685015&... 5/2/2007



2.1 1999 ·
65 PERMANENT EXEMPTION FROM JURY SERVICE
DRIVER'S LIC. 4 VOTER CERT. # 0/6-396-3
IDENTIFICATION # CODE 2 DATE 5.18.73
LONGHIRE SYLVESTER M
LAST / FIRST / MIDDLE
ss 211 Koselane t Pausion 7x 77076
OF BIRTH 7-1-23 UNS 2443
OF BIRTH Sterling, OKLA
CORDANCE WITH ARTICLE 2137a, REVISED CIVIL STATUTES OF
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TO COMPLETE APPLICATION
119826 APPLICATION FOR RENEWAL OF VOTER REGISTRATION HARRIS COUNTY, TEXAS CERTIFICATE NO. A193960
AGE 51 SEX X MALE FEMALE DATE JAN 2013975
FOR VOTING YEAR BEGINNING MARCH 1, 1975, AND SUCCEEDING THREE YEARS
STATEMENT: RESIDENT ADDRESS-DO NOT USE P.O. BOX PRECINCT NO.
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HOUSTON TX 77022
Cl H, DR. or Break
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THIS STATEMENT MUST BE RETURNED TO THE VOTER REGISTRAR BY MARCH 1 1975 FOR CONTINUOUS REGISTRATION SEE OTHER SIDE 11

⇒SSA Death Master File Detail

Name LONGMIRE,SYLVESTER H	Social Security Number	Verify/Proof Report verified with a family member	Last Known ZIP Code 77076
Lump Sum Payment ZIP Code	State/Country of Residence Unknown	Date of Birth Jul 1 1923	Date of Death Nov 15 1996

The detail view of this record will be recorded as one 'Detail look-up'.

Probate Court Inquiry System

R.C. DOCKET.SUB.

APPLICANT'S

AND ADDRESS

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HOUSTON TX 77076

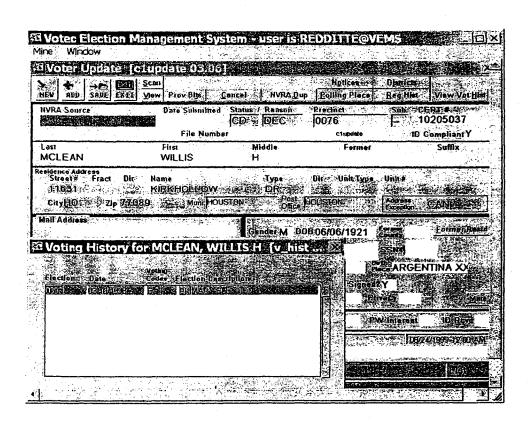
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Back to Inquiry

Main Menu

1/11/2008



TX_00002441 JA_005200

MCLEAN WILLIS H 1020503-7

Certificate #

MCLEAN WILLIS H 10205037 1

X-

Confirmation is hereby given that the person named above is: Se da aqui confirmacion que la aniedicha persona nombrado a:

X Deceased/Fallecido

O Not deceased and the information is incorrect (No a fallecido y la informacion esta incorrecto)

Signature/Firmo Allo Melcheau Daie/Fecha 8-31-98
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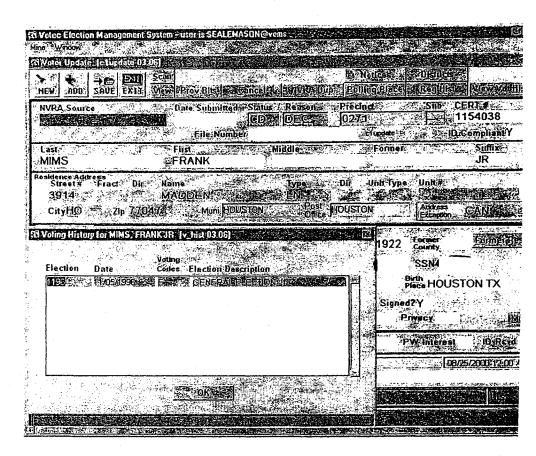
PUBLICDATA.com

⇒SSA Death Master File Detail

Name	Social Security Number	Verify/Proof	Last Known ZIP Code
MCLEAN, WILLIS H		none found	77089
Lump Sum Payment ZIP Code	State/Country of Residence	Date of Birth Jun 6 1921	Date of Death May 24 1995

The detail view of this record will be recorded as one 'Detail look-up'.

TX_00002443



Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 77 of 170

Record Type: VOTER Record ID: 1154038 Imaging Dept. ID: 007155428 Secretary of State's Office Elections Division 1-800-252-VOTE Teturn Address: 713-224-1919 PRESORTED FIRST CLASS MAIL U S POSTAGE PAID HOUSTON, TEXAS PERMIT NO 9496 0115403-8 CARLS SMITH, VOTER REGISTRAR MARRIS COUNTY 3.0. BOX 3527 HOUSTON, TEXAS 77253-3527 OC NOT COT -FOLD ON DOTTED LINE

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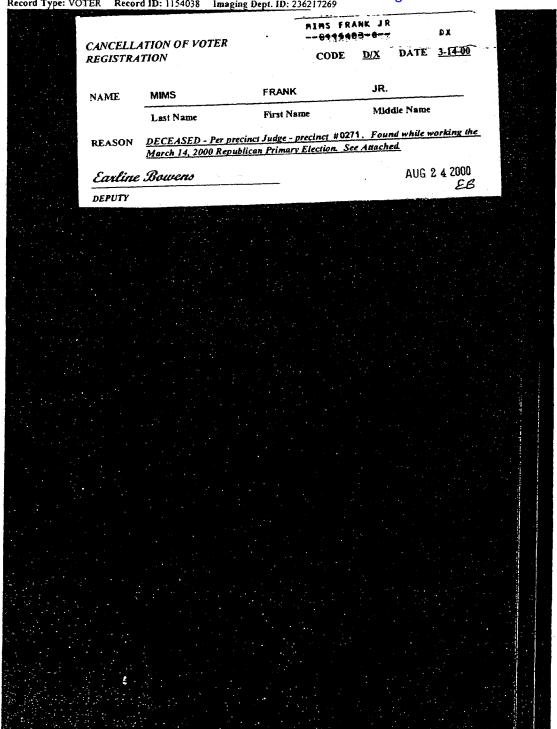
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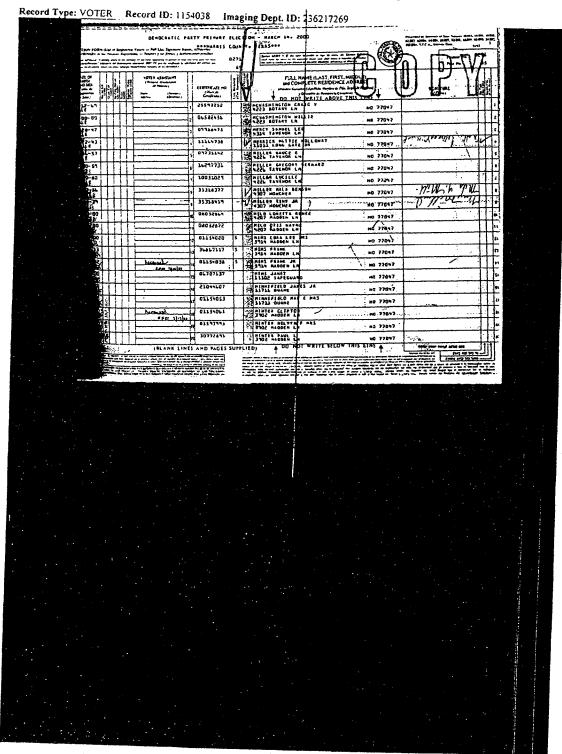
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Doc ID: 5735945 Page: 3 of 7.

PublicData.Com [SSA Death Master File Detail]

Page 1 of 1

PUBLICDATA.com

⇒SSA Death Master File Detail

Name	Social Security Number	Verify/Proof	Last Known ZIP Code
MIMS,FRANK		none found	77047
Lump Sum Payment ZIP Code	State/Country of Residence	Date of Birth Oct 11 1922	Date of Death Jan 26 1993

The detail view of this record will be recorded as one 'Detail look-up'.

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MONROE ROBERT C

Confirmation is hereby given that the person named above is: Se da aqui confirmacion que la antedicha persona nombrado a:

01688720 1

Deceased/Fallecido 5-31-98

Re:

Cértificate #

Signature/Firma Denie	Date/Fecha 8-18.	- 99
Relationship/Parentesco		
Wi	Je	
34301:8 345668 AGE	REGISTRATION CERTIFICATE HARRIS COUNTY, TEXAS 40 SEX: X MAI MONROE ROBER	0168872-0 ()
RESIDENCE: CERTIFY THAT THE APPLICANT IS 21 YEARS OF	RESIDENT ADDRESS	VOTING CONTROL NO.
AGE OR OVER "A CITIZEN OF THE UNITED STATES, AND MAS EISTINGO IN ETAIS MORE THAN I TEAL AND IN COUNTY AND CITY MORE HAN SEE MONTHS MECCHING THE DATE OF THIS CITY MORE HAN SEE MONTHS MECCHING THE DATE OF THIS THE CANNES OF THE SEE MECCHING TO PROCURE THE EEGATRATION OF A VOTER IS A FELOM.	S935 # HELLFORT	D 2 Z
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F IN TEXAS LESS THAN 1 YEAR	MONROE ROBERT C	
F IN COUNTY 1ESS THAN 6 MOS.	1	
F NCITY LESS THAN & MOS.	5935 W BELLFORT	
H UNK R 21 YEARS OLD NEVER MARRIED AND MINORITY DISABILITIES HAVENOYOFSER REMOVED BY ODURY CIVE NAME AND ADDRESS OF PARENTS OR COARDIAN	HOUSTON TX 77035	_
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* Kohest C. Moura	2 STREET TELEPHONE NUMBER	
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TO COMPLETE AS	PLICATION OTHER SIDE MUST BE	FILLED IN

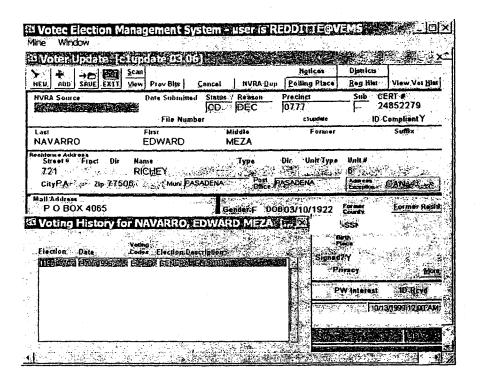
Not deceased and the information is incorrect (No a fallecido y la informacion esta incorrecto)

SSA Death Master File Detail

Name MONROE,ROBERT C	Social Security Number	Report verified with a family	Last Known ZIP Code 77035
	State/Country of Residence Unknown		Date of Death May 31 1998

The detail view of this record will be recorded as one 'Detail look-up'.

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Relationship/Pa	arentesco	120-170					
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PublicData.Com [SSA Death Master File Detail]

Page 1 of 1

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⇒SSA Death Master File Detail

Name NAVARRO,EDUARDO M	Social Security Number	Verify/Proof Report verified with a family member	Lasi Known ZIP Code 77502
Lump Sum Payment ZIP Code	State/Country of Residence Unknown	Date of Birth Mar 10 1922	Date of Death Aug 15 1996

The detail view of this record will be recorded as one 'Detail look-up'.

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County Clerk saip last voting History 11/4/1997

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	ON TOR VOIER	MARRIE COUNTY TEXAS / II C U O E	04	53868-2
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	CGRRECTION CARD
Last Name	ROBERS Pet. 109 Certificate 1 0453868-2
	L. Sex M Telephone 7-5-85 (do not use husband's first name)
Middle Name	(11 married, give maiden name) esidence Address 1505 Charlie Houston 77088
Permanent R	(if married, give maiden name) ### ################################
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11/4/97 - last voted Por C.C. office

⇒SSA Death Master File Detail

Name ROGERS,L	1 -	1	Lasi Known ZIP Code 77088
Lump Sum Payment ZIP Code 77088		Date of Birth Sep 11 1923	Date of Death Oct 15 1987

The detail view of this record will be recorded as one 'Detail look-up'.

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ROWE JOHN THOMAS III 11193685 1

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Confirmation is hereby given that the person			
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Official use only	77.1		
	ISTRATION APPLICA' *	0.045	1119369-
101		ROWE	
If you are a new registrant or if you have changed your county of information below:			To CHANGE registration information:
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Maiden Name (04)		أبتد	to change any information on your certificate, complete the following and
			show only the changed information to the left,
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DAY 100 11 HIGH CALL TO THE	× 143	ip (15)	Carlificate Number:
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The second secon	(17);	p (18)	
and the state of t	ret or its location		Today's Date:
The state of the s	Talled to receive h	·w	Return your current registration certifi- cate for correction, or if your certificate
and the state of the	er og Erst		has been lost or destroyed, initial the bex
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* John Kowe		K227~	voluntary only, is solicited by authority of Section 45b. Texas Election Code, and will be used only by election officials to
*India registration may be by agent, but agent must be a registration (Curle one) Husband - Wife - Mother of other Son - Daughter	tren antes hun mast of Sit		maintain the accuracy and integrity of the registration records.
:1-10-0	~		

SSA Death Master File Detail

Name	Social Security Number	Verify/Proof	Last Known ZIP Code
ROWE,JOHN T		none found	77521
Lump Sum Payment ZIP Code	State/Country of Residence	Date of Birth	Date of Death
	none found	May 13 1959	Sep 19 1990

The detail view of this record will be recorded as one 'Detail look-up'.

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Record Type: VOTER Record ID: 37677119 Imaging Dept. ID: 236217250

Date Mailed: August 22, 2000

10:11:

SKIŞAR MENDEL
5926 SPELLMAN RD
HOGSTON TX 77096-5841

VOTER RECISTRATION NOTICE

The addressee's name, Social Security number, and date of birth matched exactly with that of a record in the Social Security Death Index database. This indicates that the registered voter named in this notice is deceased.

Please respond by providing the information requested below. Please include your signature and your relationship to the voter in the space provided below. Upon the receipt of your response, we will update the record. This notice will not affect your Social Security benefits.

WARNING: This voter registration is subject to cancellation if an appropriate reply is not provided to the voter registrar by the 60th day after the date this notice is mailed (Texas Election Code Sec. 16.033 (c)).

If you have any questions, or if this information is inaccurate, please call our office at (713) 224-1919 as soon as possible. Our Web site at [www.tax.co.harris.tx.us] contains an updated Harris County Voter Registration database for your reference.

Thank you for your assistance.

Paul Bettencourt

Voter Registrar, Harris-County, Texas

Marty Morrison

Director of Voter Registration

I hereby confirm that SKLAR MENDEL is:

3767711 9

Deceased.

O Nordeceased and the information is inaccurate.

naccumte.

Signature Omolya Kae Sb

. .

My relationship to SKLAR MENDEL is:

11116

Date Dalloot

72

Please complete this form and return to:

Paul Bettencourt

Tax Assessor-Collector

P. O. Box 3527

Houston, TX 77253-3527

236217250

Doc ID: 5735945 Page: 1 of 1.

Case 2:13-cv₋00193 Document 725-36 Filed on 11/17/14 in TXSD Page 103 of 170

Record Type: VOTER	Record 1D: 37677119	Imaging Dept. ID: 236217	241	_	
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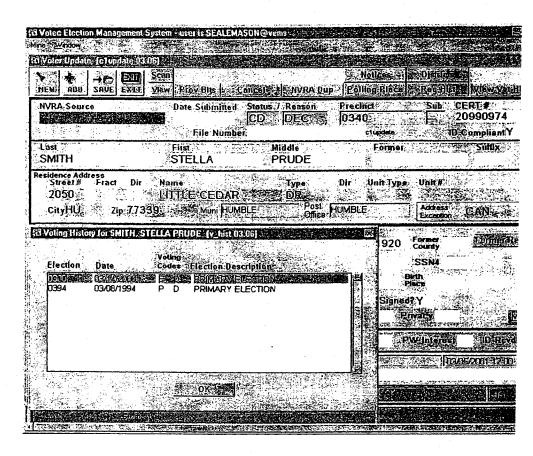
Doc 1D: 5735946 Page: 1 of 2.

⇒SSA Death Master File Detail

Name SKLAR,MENDEL	1) '	Report verified with a family	Last Known ZIP Code 77096
Lump Sum Payment ZIP Code		1 -	Date of Death Jan 5 1998

The detail view of this record will be recorded as one 'Detail look-up'.

http://www7.publicdata.com/cgi-win/pd.exe/Detail?db=USSSDM&ed=31&rec=48661234&... 5/2/2007



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Bettencourt Assessor-Collector Box 3527 .ston, TX 77253-3527

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Doc ID: 3177405 Page: 1 of 1.

Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 107 of 170

Record Type: VOTER Record ID: 20990974 Imag	ing Dept. ID: 220156783
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Doc ID: 3128618 Page: 1 of 1.

⇒SSA Death Master File Detail

Name SMITH,STELLA	Social Security Number	Verify/Proof Report verified with a family member	Last Known ZIP Code 77339
Lump Sum Payment ZIP Code			Date of Death Apr 9 1997

The detail view of this record will be recorded as one 'Detail look-up'.

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26841015 1 Certificate #



Confirmation is hereby given that the person named above is: Se da aqui confirmacion que la antedicha persona nombrado a:

Deceased/Fallecido

☐ Not deceased and the information is incorrect (No a fallecido y la información está incorrecto)

Signature/Firma Hoxelo Spell Date/Fecha 8-24-99

Relationship/Parentesco N/1/-8

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580945	WEAVER MARY GREEN HUSBOAD	06071919	5/30/90	::	
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PUBLICDATA.com

⇒SSA Death Master File Detail

Name SPELL,BILLY C	Social Security Number	Verify:Proof	Last Known ZIP Code
Lump Sum Payment ZIP Code	State/Country of Residence		Date of Death Oct 20 1991

The detail view of this record will be recorded as one 'Detail look-up'.

http://www3.publicdata.com/cgi-win/pd.exe/Detail?db=USSSDM&ed=31&rec=54718706&... 5/2/2007

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Case 2:13-cv-00193 Document 725-36 -Filed on 11/17/14 in TXSD- Page 113 of 170

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Re: Certificate # VANDERLYN J R . 00746719 1

Х-

Confirmation is hereby given that the person named above is: Se du aqui confirmación que la antedicha persona nombrado a:

Deceased/Fallecido

O Not deceased and the information is incorrect (No a fallecido y la información esta incorrecto)

Signolure/Firma Mass. J.R. Velled Lyn Date/Fecha any 18, 1998

Relationship/Parentesco

PUBLICDATA.com

⇒SSA Death Master File Detail

Name	Social Security Number	Verify/Proof	Last Known ZIP Code
VANDERLYN,JOHN		none found	77025
Lump Sum Payment ZIP Code	State/Country of Residence	Date of Birth	Date of Death
	Texas	May 11 1916	May 1983

The detail view of this record will be recorded as one 'Detail look-up'.

http://www7.publicdata.com/cgi-win/pd.exe/Detail?db=USSSDM&ed=31&rec=53172402&... 5/2/2007

1/11/2008

Office of Beverly B. Kaufman, County Clerk, Harris County, Texas

Toyas Votor Pogistration	Application	 	For Official Use Only	
Texas Voter Registration Prescribed by the Office of the Secretary of State	VR17.08E.12			
Please complete sections by print out this application, please call y free at 1-800-252-VOTE(8683),	our local voter reg	istrar or the	e Secretary of State	
1 These Questions Mus	st Be Complet	ed Befo	re Proceeding	· .
Check one ☐ New Application ☐				
Are you a United States Citizen?				
Will you be 18 years of age on or be				and the second s
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Are you interested in serving as an e	election worker?		Ye	s 🗆 No
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2 Last Name	First Name		Middle Name (If any)	Former Name
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Residence Address: Street Address a where you live. (Do not include P.O. Box, 1			City	State
				Zip Code
4 Mailing Address: Street Address and be delivered to your residence address.)	Apartment Number, (If ma	il cannot —	City	State
				Zip Code
Date of Birth: (mm/dd/yyyy)		(Optional)	7 Telephone Number Include Area Code	(Optional)
		_/		<u> </u>
8 Texas Driver's License No. or T. I.D. No. (Issued by the Department of F.		ive last 4 digit	iver's License or Perso ts of your Social Securi x-xx-	
☐ Check if you do not have a T License, or Texas Personal I		Check if yo	u do not have a Social	J Security Number
I understand that giving false infor	mation to procure a vo	ter registratio	n is perjury, and a crim	e under state
and federal law. Conviction of this I affirm that I	crime may result in im	prisonment u _l	p to 180 days, a fine up	to \$2,000, or both.
 am a resident of this county and U.S. have not been finally convicted of a fee 	elony, or if a felon, I ha			cluding any term
of incarceration, parole, supervision, have not been determined by a final j incapacitated or partially mentally in 	udgment of a court exe	rcising proba	te jurisdiction to be tot	ally mentally
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Signature of Applicant or Agent and Dele	41	Data to J M	-64	- 1174 1 D :

Exhibit 34

Fold on line and seal before mailing

For Assistance
Call your local Voter Registrar or
Office of the Secretary of State
Toll Free: Si necesita asistencia
llame gratis al:
1-800-252-VOTE(8683)
www.sos.state.tx.us



NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL FIRST CLASS MAIL PERMIT NO. 4511 AUSTIN, TX

POSTAGE WILL BE PAID BY ADDRESSEE

REGISTRAR OF VOTERS COUNTY COURTHOUSE (CITY)

(ZIP CODE)



TX

Fold on line and seal before mailing

Qualifications

- You must register to vote in the county in which you reside.
- You must be a citizen of the United States.
- You must be at least 17 years and 10 months old to register, and you must be 18 years of age by election day.
- You must not be finally convicted of a felony, or if you are a felon, you must have completed all of your punishment, including any term of incarceration, parole, supervision, period of probation, or you must have received a pardon.

Identification Requirement

If you do not have a Texas driver's license or a social security number, you will be required to present identification when you vote in person or enclose a copy of such identification with your ballot if you vote by mail. Identification includes: a current and valid ID; a copy of a current utility bill; bank statement; government check; paycheck; or other government document that shows your name and address.

General Information

- Your voter registration will become effective 30 days after it is received or on your 18th birthday, whichever is later. Your registration must be effective on or before an election in order to vote in that election.
- If you move to another county, you must re-register in the county of your new residence.
- You must provide your Texas driver's license or personal identification number. Only when you do not have a driver's license or personal identification number, then give the last four digits of your social security number or if you do not have any of these identification numbers, then you must indicate by checking the appropriate box on the application side.

Este formulario está disponible en Español. Favor de llamar sin cargo a la oficina del Secretario de Estado al 1-800-252-8683 para conseguir una version en Español.

Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 118 of 170



Testimony before
Texas State Senate
Committee of the Whole
on Behalf of AARP-Texas
Given By
Daniel B. Kohrman,
Senior Attorney, AARP Foundation
March 10, 2009

Good morning Senators, Chairman Duncan, Lt. Governor Dewhurst. My name is Daniel Kohrman. I am a Senior Attorney with the AARP Foundation. The Foundation is the charitable arm of AARP. I am a full-time legal advocate for AARP and AARP members, and older persons generally. Among my responsibilities is representing the cause of access to the ballot for older voters.

By way of background, I am one of the lawyers for voters – including older voters – in litigation regarding state "photo ID" laws in Georgia and Arizona. Likewise, I have filed briefs for AARP in several other cases concerning state "photo ID" laws. These include *Crawford v. Marion County Election Board*, in which the U.S. Supreme Court considered Indiana's "photo ID" law. They also include "photo ID" cases in Missouri and Michigan, where the highest courts in both those states considered laws enacted there. At AARP I have also defended federal and state campaign finance reform laws. And lest you get the impression I am showing an interest in Texas for the first time today, I twice recently

Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 119 of 170

filed briefs in Texas cases – including one voting case – that went up to the U.S Court of

Appeals for the Fifth Circuit. Before AARP I worked for a big law firm, a civil rights

organization and the U.S Department of Justice.

As you know, AARP members vote in very large numbers and are very proud of their

active participation in the political process at all levels – state, local and federal. I work

out of AARP headquarters in Washington, DC, but today I am appearing on behalf of

AARP of Texas, one of AARP's 53 state offices across the United States. Given the

intense partisanship that has developed around the issue of photo ID, I want to emphasize

that AARP is a nonprofit, nonpartisan organization dedicated to addressing the needs and

interests of Americans aged 50 and older. AARP has no interest in the partisan aspects of

the photo ID issue. What we do care about is representing the interests of older

Americans. With more than forty million members nationwide, and roughly 2.4 million

members here in Texas, AARP is the largest membership organization – in the U.S. and

in Texas – advocating on behalf of older persons and older voters.

I appreciate the opportunity to speak with you today about AARP's perspective on of

voter participation and voting fraud, and in particular, on the merits of the proposed

Texas "photo ID" bill.

At the outset, I want to identify AARP's overall perspective on voting issues. Above all,

AARP views the right to vote as the most basic right in our democratic system of

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government. Everything else flows from that principle. In particular, our view is that politicians should tread carefully in the field of voting rights. Voting rights should not be casually restricted. That said, we understand that historically, and under our Constitution, the states are the principal source of laws and regulations in the area of voting. To be sure, federal authorities have stepped in from time to time to ensure fair procedures are followed, and the federal courts and the U.S. Department of Justice retain ongoing authority in these areas. Further, Congress has made clear in recent years – witness the Help American Vote Act (HAVA) and the National Voter Registration Act (NVRA), as well as actions of the federal Election Assistance Commission – that there are national minimum standards that all states must follow. But in our federal system, states have the primary obligation to make sure that elections are fair and reflect the will of the people. But we do not conclude from this that states should feel free to take whatever action is expedient. Where there is a need for action to protect the rights of voters, states have a duty to act there is a duty to let the people express their will. But absent such a need, states have a duty not to rush in, if doing so will impede the rights of voters. As it is said of doctors, so it is true in the field of voting and elections: "first, do no harm!"

AARP policy is clear. Whether at the federal level, the state level, or the local level, AARP encourages steps to engage all eligible voters in the electoral process. AARP, because of its mission and membership, is particularly concerned with facilitating voting for the 50+ population. To this end, AARP has partnered with numerous organizations over the years, including the League of Women's voters and "Rock the Vote" to

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encourage eligible voters, of all ages, to participate in the electoral process. AARP has for decades advocated for fair and simple procedures that help to encourage a high level of voter participation among older Americans.

Chapter 13 of AARP's 2008 Policy Book states:

In order to ensure that more Americans participate in the electoral process, people's confidence needs to be restored by an election system that is fair, accurate, accessible and secure. ...

Consistent with the constitutional right to vote and democratic principles, governments should aim to expand the franchise and enhance access to the ballot for those capable of voting. ...

In particular, AARP policy declares that states should adopt voter registration procedures that are "fair, simple and readily accessible." Furthermore, and perhaps most relevant here, AARP takes the position that states should adopt "procedures to detect and prevent voter fraud that do not permit arbitrary and discriminatory reviews, ID challenges, and misuse of provisional ballots in ways that discourage voter registration and turnout or show partisan bias." We believe photo ID laws such as the laws adopted in Georgia, Indiana, Arizona, and a few other states, as well as the proposal now before you, raise precisely these concerns:

- the danger of "arbitrary and discriminatory reviews";
- the danger of 'arbitrary and discriminatory ... ID challenges"; and
- "the misuse of" by virtue of excessive reliance on "provisional ballots in ways that discourage voter turnout."

I am no expert in Texas politics, so I am reluctant to comment on the proposed bill's

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potential to provoke partisan bickering; however, that outcome seems evident from a cursory review of press coverage in the last week. If these reports are correct, that is a shame, because voters – certainly older voters – tell AARP they want the two parties to work together to solve problems like healthcare and retirement security. They do not want elected officials spending time in partisan fights for political advantage.

The last time AARP testified on the "photo ID" issue, in 2006, Amanda Fredericksen, AARP-Texas Director of Advocacy, told the House Committee on Elections:

In spite of [AARP's] efforts, voter turnout in Texas remains alarmingly low. In 2006, the last Gubernatorial election in Texas, only one in three registered voters cast [a] vote. In 2004, the last presidential election, just over half of all registered voters in Texas cast their [ballot]. These figures are even lower if you include the population that is eligible to vote but isn't registered. Given the low turnout rates in Texas and across the US, AARP would like to see lawmakers do more to encourage participation in the election process. Older individuals vote in disproportionately high numbers, (More than one half of the voters in the November 2006 election were over the age of 50.) ... AARP believes fair and simple procedures help to maintain this high level of participation

The AARP Foundation has participated in litigation challenging state photo ID laws in five states because we believe such laws discourage rather than encourage electoral participation by older voters. Photo ID requirements pose variety of arbitrary barriers for senior voters, many of whom have voted consistently for decades. ID requirements are simple to meet for some, even many voters, but not for many other voters, especially older ones.

This past Sunday, the Rio Grande Guardian reported that:

- one in five (20% of) senior women do not have a driver's license (according to the US Census Bureau);
- 18% of Americans over age 65 lack a driver's license (according to the Brennan Center for Justice in New York City); and
- 37% of Texans over age 80 do not have a driver's license (according to the Texas Conservative Coalition Research Institute).

Moreover, AARP conducted a survey in connection with the Indiana photo ID case that revealed 3% of those eligible over age 65 (or roughly 23,000 registered voters) had neither a driver's license nor a state-issued ID card (the ID needed to vote under state law); the share of registered voters age 75+ without either form of ID was double that: 6%.

In other states, the potentially disruptive impact of photo ID laws on electoral participation by registered voters likewise has been estimated to be quite large. In Georgia, AARP estimated, based on driver's license data from the Department of Motor Vehicles and voter registration data from the Secretary of State, that approximately 100,000 registered voters age 65 and over lack a driver's license. In Missouri, the Secretary of State in August 2006 "estimated that approximately 240,000 registered voters may not have the required photo ID and that the Department of Revenue's estimate

Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 124 of 170 of the same was approximately 169, 215 individuals." *See Weinschenk v. State*, 203 S.W.3d 201 (Mo. 2006)

Perhaps the hardest thing to understand about photo ID laws is why public officials would embrace measures posing a disproportionate share of difficulties for older voters, who are those most reliable electoral participants. AARP's brief to the Supreme Court in the Indiana photo ID case explained:

Older Americans consistently demonstrate a strong commitment to the electoral process by exercising their right to vote more frequently than other age groups. In the 2004 presidential election, citizens 55 and older reported voting at a rate of 71.8%, as compared with a rate of 63.8% among all Americans. As the number of older Americans rises, and the life expectancy of the U.S. population increases, the influence of older voters on the electoral process has the potential to increase as well. This segment of the population is expected to grow rapidly during the coming years, as children born during the "baby boom" reach age 65 and beyond. By 2030, there will be 71.5 million potential older voters in the United States — nearly twice the number from 2005. *Id.* As a result, older voters likely will comprise a larger percentage of the electorate and play an increasingly important role in American electoral politics.

In the Georgia voter ID case, the district court twice enjoined implementation of strict photo ID requirements because State officials had failed to take steps to reduce risks of disenfranchising older voters, among others, who may not have had adequate time to learn about and respond to new photo ID requirements. In 2006 the court concluded:

The evidence in the record demonstrates that many voters who lack an acceptable Photo ID for in-person voting are elderly, infirm, or poor, and lack reliable transportation to a county registrar's office. For those voters, requiring them to obtain a Voter ID card in the Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 125 of 170

short period of time before the July 18, 2006, primary elections and the corresponding primary run-off elections is unduly burdensome.

... for those citizens, the character and magnitude of their injury-the loss of their right to vote-is undeniably demoralizing and extreme, as those citizens are likely to have no other realistic or effective means of protecting their rights.

See Common Cause/Georgia League of Women Voters of Georgia, Inc. v. Billups, 439 F.Supp.2d 1294 (N.D.Ga. 2006).

In the Missouri voter ID case, the State Supreme Court accepted the "[voter-]Plaintiffs['] claim that for many ... including the poor, elderly and disabled, ... hurdles to obtaining the proper photo ID are not insignificant." In particular, the court recounted a series of anecdotes reflecting difficulties of the sort many older voters may confront. These include Ms. Weinschenk, who has cerebral palsy and was born out of state, and for whom "obtaining a proper photo ID is a substantial burden because of her disability," because she has difficulty securing records, such as a birth certificate, and moreover, whose "disability prevents her from making a consistent signature mark, [so that] her signature will not match the signature on her voter registration record. Thus, any provisional ballot she casts will not be counted." For many older disabled persons, the burdens associated with overcoming the access and mobility challenges that confront all voters who need photo identification to vote are likely to be nothing short of insuperable. The personal stories also included: "Ms. Amanda Mullaney [who] was born in Kentucky, and [whose] current name does not match the name on her birth certificate because her parents were not married at the time of her birth. Thus, to obtain the proper photo ID needed to vote,

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she will have to provide proof of her name change by means of either a certified court order or a certified amended birth certificate"; and "Ms. Maudie Mae Hughes [who]was born in Mississippi, [and whom] the state has repeatedly informed ... that it does not have any record of her birth, thereby compounding her difficulties in obtaining the photo ID necessary to vote in Missouri." (Because of historical lack of access to health care, prior to the 1960s, many minority Americans in their 60s, 70s, and 80s are substantially more likely to have been born outside a hospital.)

In 2006 Ms. Fredricksen described the circumstances of Theresa Clemente and Valerie Williams, set forth in AARP's amicus brief in the Indiana photo ID case. I urge you to go back and re-read her testimony. In short, Ms. Clemente, an 80-year-old who sought a state-issued ID card so that she could vote, only succeeded – as many of her vintage very well might not - only by paying multiple fees, navigating a maze of public record laws, and making multiple trips to various public offices. Ms. Williams, a 61-year old social security recipient, was barred from voting in the lobby of her retirement home, as she has done in at least the last two elections, by poll workers whom she had known for years, because the forms of ID she had always used no longer were valid under the new voter ID law. These sorts of impediments to the franchise, for clearly eligible voters dedicated to exercising their constitutional rights, are insulting, cruel and unnecessary. And as Ms. Fredricksen told you several years ago, these are not isolated cases. If anything close remotely resembling eighteen percent of American citizens age 65 and above do not have current government-issued photo ID, many millions of seniors, and many millions more

Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 127 of 170 between the ages of 50 and 65, including perhaps hundreds of thousands in Texas alone, will be forced to jump through hoops for no discernible purpose. You have heard ample testimony to the effect that there is little or no evidence of in-person voter fraud, and I need not repeat this point, except to say there is even less evidence that older persons are suspected of fraudulently impersonating eligible voters at the polls. But in light of the absence of proof of fraud, especially among older voters, and further, given the high participation rates of voting among older persons, as well as the high incidence of difficulties obtaining ID documents among older persons, such as those with disabilities, any photo ID law that fails to include extensive provisions to accommodate voters with greater difficulties complying, including older voters, should be rejected out of hand as

Before I close, I want to make some specific observations about the proposed Texas photo ID bill.

unfair and unduly burdensome.

My initial comment is that the bill does remarkably little to combat vote fraud – in its many forms and flavors – for a bill that purports to be focused on combating that supposed problem. Even if we agree to disagree about the existence of in-person voting fraud – which to us seems as improbable as it is unreported – because of the high risks of getting caught and the low return for each individual act of impersonation – we should be able to agree that there are many forms of alleged vote fraud of which the Texas photo ID

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Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 128 of 170 bill aims at addressing only one. The question arises, given the huge political fight this has set off, is the benefit in reducing fraud worth the effort? If not, why bother?

The best that can be said for the pending photo ID bill is that it is not as bad as the laws on the books in a few other states: Indiana, Georgia and Arizona.

I want to put off for a moment a discussion of a few problems I see with the overall approach of the proposed bill. Before that I want to suggest some practical shortcomings.

First, the proposed law does very little to educate the public about major changes in voting requirements.

The proposal relies almost exclusively on the individual voter registration process, in section 1, to notify voters of new photo ID requirements. Section two provides some additional notice via websites of the Secretary of State and counties. I understand less than a third of Texas counties maintain websites. The major problem here is that the bill does nothing by way of affirmative public education; it is entirely passive and relies on voters either to visit a state or county website with a notice of the new law or obtain notice upon registering to vote or renewing an existing registration. Yet in section 14 the bill requires the new requirements to take effect within a matter of months. AARP is concerned that older voters are especially likely not to benefit from notice limited to information provided with registration or re-registration, as voters who have gone the longest without major changes in the registration process are least likely to be alerted by

Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 129 of 170 changes announced in their semi-annual registration packet. This is especially the case as the bill makes no specific provision how, and how prominently, notice is to be given to voters in this manner.

Second, the lack of public education or public outreach plans or funding poses a barrier to the timeline for implementation contemplated in the current proposal.

The State should be doing its utmost to avoid situations whereby voters show up to vote without the appropriate ID. Yet that will happen without very substantial public education and outreach. And older voters, who are generally used to the current system, are disproportionally likely to be tripped up by the new rules. In the Georgia case, the State's failure to adopt and implement a robust public education and outreach program caused the photo ID law to be enjoined twice. That seems a danger with this bill in its current form. A related flaw is the lack of any provision for funds for public education and outreach. If the State plans to notify voters about new photo ID rules when they register to vote, which takes place on a two-year cycle, it would seem unfair to implement new rules in early 2010, and indeed, prior to a time at least two years after the law's effective date. Substantially more than two years would seem appropriate if the proponents are serious about giving voters a reasonable chance to comply prior to the next election after they are personally notified of the new rules. Another related defect appears to be the lack of plans or funding for public outreach. For instance, there are no provisions in the bill (e.g., in section 13) specifying which and how many offices will issue new photo ID documents; nor is any provision made for special efforts to address the needs of populations with limited mobility, such as older persons with disabilities,

Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 130 of 170 including those residing in assisted living facilities or nursing homes. In the Georgia voter ID case, state officials were enjoined from implementing a new photo ID law until the could show outreach efforts (e.g., vehicles visiting areas underserved by DMV offices to issue new photo ID documents).

Third, heavy reliance of new photo ID rules via the internet is likely to adversely affect older, low-income and minority voters and voters with disabilities.

Although older persons generally, especially those in the workforce, are rapidly becoming tech savvy, many older voters – including high percentages of those not now in the workforce, of those with fixed and low incomes, of those with disabilities, and those residing in low income areas of the state, or in assisted living arrangements or nursing homes – are not likely to benefit from web-based notice of new photo ID rules.

Moreover, if web-based notice nevertheless continues to be a priority under the bill, provision should be made to fund creation or improvement of websites for those counties without them or without effective or user-friendly sites. In addition, the bill lacks specific directions to the state and counties to give us assurance that web-based notice would be done effectively and data would be conveyed in a sufficiently prominent manner.

Fourth, the bill lacks clarity in regard to training of persons most likely to interact with voters in implementing new photo ID rules.

Section 3 of the bill calls for additional training related to "acceptance and handling" of ID "presented by a voter to an election officer," but according to the Senate Research Center Bill Analysis only refers to training of election judges. Section 4 of the bill

Case 2:13-cv-00193 Document 725-36 Filed on 11/17/14 in TXSD Page 131 of 170 expands training to election clerks. But neither provision nor any other provision of the bill appears to apply to training of poll workers themselves. If this is the intent, this appears to AARP to be a major defect, as these personnel would appear to be the ones most likely to interact with voters in implementing new photo ID rules. Moreover, the bill contains no provision for funds to train poll workers or election clerks.

Fifth, the bill lacks clarity in regard to the timeline for training activities.

Section 13 provides for implementation of training activities regarding new photo ID rules "as soon as practicable." These four words recall an earlier four-word phrase – "with all deliberate speed," from the Supreme Court's 1955 implementation decision in *Brown v. Board of Education* – that came to be synonymous with "no time soon."

Finally, in regard to the substantive approach to voter eligibility reflected in the bill, I have the following additional observations and concerns:

Sixth, it is unclear why the bill precludes persons with a history of voting in a precinct to vote there without a registration certificate without meeting new ID rules.

Sections 6 and 9 of the bill together hurt longtime voters – many of them likely to be older voters – whose names appears on the voter rolls at a polling station, but who fail to produce a registration certificate upon appearing to vote; under current law, they can sign an affidavit and vote a regular ballot. Under the bill, they only may vote a provisional ballot unless they also can produce new ID. This seems unnecessary, unlikely to deter or prevent any fraud, and yet likely to impede voting by long-time, legitimate voters.

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Similarly, sections 6 and 7 of the bill together hurt the voting chances of persons with a

registration certificate but whose names are "not on the precinct list of registered voters";

under current law, it appears they "shall be accepted for voting," however, under the bill,

unless they have new qualifying ID they only can vote a provisional ballot.

Seventh, the effectiveness of the bill's free photo ID provision is questionable.

Section 12 of the bill forbids the Department of Public Safety from charging any person

for a new photo ID "who states that the[y are] obtaining the personal identification for the

sole purpose of satisfying [the new voting ID requirement]." AARP is concerned that the

bill makes no provision for funding of "free" ID and that as a result, in current dire fiscal

conditions, officials responsible for implementing the rule may have a disincentive to do

so properly. For older voters on fixed incomes, the fees associated with obtaining

government-issued identification are anything but trivial.

Once again, thank you for the opportunity to comment on the proposed photo ID bill.

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Voter Education, Anderson County Workshop, 2008







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Texas State Conference of NAACP Branches

1107 E. 11th St., Ste. A, Austin, TX 78702 Telephone: 512-322-9547 Fax: 512-322-0757

STATEMENT OF GARY L. BLEDSOE, PRESIDENT TEXAS NAACP TO THE SENATE COMMITTEE OF THE WHOLE

March 10, 2009

Good morning. My name is Gary Bledsoe and I am the President of the Texas NAACP. The NAACP is our Nation's oldest, largest and most widely-recognized grassroots civil rights organization in the United States. The NAACP has had units in Texas since 1915. We are a multi-racial organization, originally formed in 1909 by 6 whites and 2 blacks. We currently have more than 2,200 membership units with members in every state across the country and we have nearly 200 in Texas alone.

I would like to begin by thanking and commending this committee for holding this hearing. However, I hope that the pundits are wrong who have said recently that the testimony you hear today will be of no consequence. The NAACP is a non-partisan group and we try and work with members of both major political parties and others as well to advance our mission of eliminating inappropriate color distinctions in this county and advancing the interests and opportunities for racial and ethnic minorities.

In Texas there has been a sordid history of permitting African-Americans to vote. Back in the 1920's the NAACP fought racist laws of the Democratic Party that did not permit meaningful participation of persons of African-descent in the Democratic Party process. However instead of vielding to court decisions outside the State the authorities herein simply went about their segregation in different ways. Ultimately the United States Supreme Court had to invalidate the racist system of voting in the Democratic Party. And I can say that even though on paper we have had the opportunity to participate in elections across our State and have made significant gains. I am sad to report that racist acts seeking to suppress the African-American vote in our State continue. Many great Texans like Frank Robinson of Palestine in 1974 have died or suffered greatly because of the belief that African-Americans should be able to participate in the political process. And in recent years we have had hate crimes in Wharton to suppress minority turnout, use of police, newspapers and mailboxes in Tarrant County to intimidate Black voters, refusal to follow the law in Fort Bend County to permit African-American voters to vote and not accepting challenged ballots, purging people from voting rolls with no legitimate reason and in violation of the law while not processing voter registration applications in Waller County (we want to thank Attorney General Abbott for helping to right that particular situation), too few



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ballots being issued in Dallas County on several different occasions for minority precincts, selection of inconvenient early voting cites for racial minorities or the refusal to permit voters to cast challenged ballots, the late publication of polling place changes, unexplained purges from voter rolls—and it goes on and on. We have held hearings in Dallas, Fort Worth, Houston and Texarkana and gotten individuals from many other locales to come forth. And then there is the strike force that we have that receives calls on election day and we can say that problems still persist and notably we have seen problems with both major parties but much more so one party compared to the other. The specific provisions in SB362 will cause more time for voters to remain in line, create longer lines and dissuade individuals from voting because problems like ensuring the proper numbers of ballots, etc. have not been cured. Besides that many persons do not have voter id cards and they do not have the kinds of documents that have been proposed for potential proof if a photo id is not available. What happens if a student in Waller County has a driver's license from Harris County and a Waller County voter registration card? With the continued history of that county and the State's refusal to get them in line with the law of the land, I would expect that many students would be disenfranchised. And it goes on and on and on. We have held many hearings around our state and done a number of voter intimidation strike force operations where we have identified that a problem still exists and we must remain vigilant in our attempts to ensure African-Americans in Texas are permitted to vote. This requirement is intimidating and will discourage many from voting who are racial and ethnic minorities.

Throughout our history, countless Americans have fought and died to protect the right of people across the globe to cast a free and unfettered ballot and to have that vote counted. We owe it to these men and women and their families to ensure that the right to vote is protected here at home. Ironically, this problem is not being addressed by the Legislature but another matter is that does not rise to the level of a serious problem from what we believe-voter fraud. To begin with I will say that we take this position based on the merits of the position and partisan matters are of no consequence to us. Back in 2003 when an unnecessary Voter Fraud law was proposed by Democrat Steve Wolens, we were vigorous in opposition to his bill. And today we feel the same way about this initiative. The Wolens bill, which became law, ended up presenting the exact kind of problem that we expected that it would become. Today if you go and vote and you are not registered to vote then you can already be prosecuted? And how many people will use someone's voter ID card to vote knowing that the other person may vote as well? It seems like there are internal fail-safes in the structure of the law that would mitigate against voter fraud.



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1107 E. 11th St., Ste. A, Austin, TX 78702 Telephone: 512-322-9547 Fax: 512-322-0757

The NAACP has been in existence for 100 years, and since our inception we have fought for equal voting rights for all Americans. Sadly, our struggle is not yet complete as there is still voter suppression throughout the United States.

We are aware that Georgia had its voter id law cleared by the Department of Justice, however, it is clear to us that the previous Department of Justice unlike any other from previous administrations was intent on denying minorities the protections in voting rights and in other areas that were envisioned by the bipartisan group that passed the Voting Rights Act in 1965. There was always a certain understanding that individuals had in regards to the role of the Department of Justice in protecting the interests of racial and ethnic minorities but this last Civil Rights Division ran out career employees and put people in positions of authority and influence and even regular attorney positions who were hostile to minority voting rights. As a result I would expect a more serious review of what Texas may submit. The United States Supreme Court has upheld the Indiana voting law but we must note that because of the uniqueness of Texas, its voting rights history, its history with language and racial minorities and the scope of the Voting Rights Act's application here that different questions will be raised. In this case what would happen is that the Department of Justice will have to make a review and if they decide against the State then the matter will go to the United States Supreme Court for review ultimately with the Department of Justice against the State of Texas.

We think a serious inquiry should be made to see if there is a problem in Texas. So far the evidence, like Royal Masset has been quoted as saying (Masset is a former Field Director for the Republican Party who is my old law school classmate) is quite conclusive that there is just not the problem. If there is a problem then a bi-partisan group should be asked to come up with what is the most narrowly tailored law to address the problem so that minority voting rights are not compromised

5. Number of voters who have registered since 2006 without a driver's license number.

Committee members asked for the number of voters who registered since January 1, 2006 without a driver's license. The agency queried its statewide file, which reflects the following data:

Number of voters who registered with a TDL:	2,419,188
Number of voters who registered with a SSN:	253,282
Number of voters who registered with both:	872,425
Number of voters who registered without either:	37,490

In addition, agency staff queried the entire statewide file, which reflects the following breakdowns concerning identification numbers for all voters:

Number of voters with a TDL:	5,601,219
Number of voters with a SSN:	2,352,829
Number of voters with both:	4,102,204
Number of voters with neither number:	809,041

Exhibit 38

THE FACTS: THE SPECIAL INVESTIGATIONS UNIT

Beginning in May, 2006, it was erroneously reported that the \$1.4 million in federal funds were spent on election fraud enforcement. Those reports are false.

Background: The SIU's Role and Investigative Efforts

In 2003, the OAG launched a Special Investigations Unit ("SIU"). Initially, that unit was funded by a Justice Department grant that is administered by the Governor's Office. However, contrary to those false reports, the SIU handles many types of cases, not just election fraud.

Among the cases handled by the SIU are:

- El Dorado / YFZ Ranch (three SIU investigators are currently assigned full-time to that case)
- Texas Youth Commission, including a case where a TYC officer was indicted for drug possesion (SIU investigators handled more than 840 abuse allegations)
- Hurricane-related rapid response efforts, including serving subpoenas on potential price gougers (note: SIU was not involved with Operation Safe Shelter)
- Market manipulation and penny stock fraud case that was jointly pursued with the Securities & Exchange Commission
- ERCOT case
- Cyber Crimes and Fugitive Unit assistance for combined arrests of over 100 cyber predators and child pornographers and more than 1,000 fugitives.
- Identity Theft
- **Public Corruption**, including the Bastrop County cases and the Potter County Sheriff case.
- Money Laundering, including investigations into the bulk transportation of drug currency; money couriers; and, money services businesses.
- Election Fraud

SIU Funding

The initial \$1.9 million DOJ grant was renewed for approximately \$2.0 million. To date, \$3.1 million in grant funding has been allocated to the SIU to pay for investigations into the above mentioned cases. In addition to the SIU's grant funding, it also receives funding from the OAG's criminal justice budget.

To date, the OAG has resolved 22 election fraud prosecutions at a cost of \$600,000. An additional eight election fraud indictments are pending. Approximately \$100,000 has been spent on those eight cases. Of \$700,000 spent on Election Code investigations, approximately \$93,000 came from DOJ grants. DOJ grants are no longer used to fund the Special Investigations Unit. It is now funded with \$1.5 million in general revenue each year.²

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The difference between the \$3.9 million in allocated grant funding and the \$3.1 million that has been spent reflects \$800,000 in grant money that lapsed and was recaptured by the Governor's Office. The process is not a block grant, but rather a reward system wherein the Governor's Office pays expenses accrued by the grantee agency. So that \$800k reflects dollars for which expenses were not incurred.
² CID's annual budget is \$4.4 million. Of that \$1.500illions is annually allocated to the SIU.

(Slip Opinion)

OCTOBER TERM, 2007

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Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

CRAWFORD ET AL. v. MARION COUNTY ELECTION BOARD ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 07-21. Argued January 9, 2008-Decided April 28, 2008*

After Indiana enacted an election law (SEA 483) requiring citizens voting in person to present government-issued photo identification, petitioners filed separate suits challenging the law's constitutionality. Following discovery, the District Court granted respondents summary judgment, finding the evidence in the record insufficient to support a facial attack on the statute's validity. In affirming, the Seventh Circuit declined to judge the law by the strict standard set for poll taxes in *Harper* v. *Virginia Bd. of Elections*, 383 U.S. 663, finding the burden on voters offset by the benefit of reducing the risk of fraud.

Held: The judgment is affirmed.

472 F. 3d 949, affirmed.

JUSTICE STEVENS, joined by THE CHIEF JUSTICE and JUSTICE KENNEDY, concluded that the evidence in the record does not support a facial attack on SEA 483's validity. Pp. 5-20.

(a) Under Harper, even rational restrictions on the right to vote are invidious if they are unrelated to voter qualifications. However, "even handed restrictions" protecting the "integrity and reliability of the electoral process itself" satisfy Harper's standard. Anderson v. Celebrezze, 460 U. S. 780, 788, n. 9. A state law's burden on a political party, an individual voter, or a discrete class of voters must be justified by relevant and legitimate state interests "sufficiently weighty to justify the limitation." Norman v. Reed, 502 U. S. 279,

Exhibit 40

^{*}Together with No. 07-25, Indiana Democratic Party et al. v. Rokita, Secretary of State of Indiana, et al., also on certiorari to the same court.

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288-289. Pp. 5-7.

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(b) Each of Indiana's asserted interests is unquestionably relevant to its interest in protecting the integrity and reliability of the electoral process. The first is the interest in deterring and detecting voter fraud. Indiana has a valid interest in participating in a nationwide effort to improve and modernize election procedures criticized as antiquated and inefficient. Indiana also claims a particular interest in preventing voter fraud in response to the problem of voter registration rolls with a large number of names of persons who are either deceased or no longer live in Indiana. While the record contains no evidence that the fraud SEA 483 addresses—in-person voter impersonation at polling places—has actually occurred in Indiana, such fraud has occurred in other parts of the country, and Indiana's own experience with voter fraud in a 2003 mayoral primary demonstrates a real risk that voter fraud could affect a close election's outcome. There is no question about the legitimacy or importance of a State's interest in counting only eligible voters' votes. Finally, Indiana's interest in protecting public confidence in elections, while closely related to its interest in preventing voter fraud, has independent significance, because such confidence encourages citizen participation in the democratic process. Pp. 7-13.

(c) The relevant burdens here are those imposed on eligible voters who lack photo identification cards that comply with SEA 483. Because Indiana's cards are free, the inconvenience of going to the Bureau of Motor Vehicles, gathering required documents, and posing for a photograph does not qualify as a substantial burden on most voters' right to vote, or represent a significant increase over the usual burdens of voting. The severity of the somewhat heavier burden that may be placed on a limited number of persons—e.g., elderly persons born out-of-state, who may have difficulty obtaining a birth certificate—is mitigated by the fact that eligible voters without photo identification may cast provisional ballots that will be counted if they execute the required affidavit at the circuit court clerk's office. Even assuming that the burden may not be justified as to a few voters, that conclusion is by no means sufficient to establish petitioners' right to

the relief they seek. Pp. 13-16.

(d) Petitioners bear a heavy burden of persuasion in seeking to invalidate SEA 483 in all its applications. This Court's reasoning in Washington State Grange v. Washington State Republican Party, 552 U. S. ___, applies with added force here. Petitioners argue that Indiana's interests do not justify the burden imposed on voters who cannot afford or obtain a birth certificate and who must make a second trip to the circuit court clerk's office, but it is not possible to quantify, based on the evidence in the record, either that burden's magnitude Cite as: 553 U.S. ____ (2008)

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or the portion of the burden that is fully justified. A facial challenge must fail where the statute has a "'plainly legitimate sweep.'" *Id.*, at ____. When considering SEA 483's broad application to all Indiana voters, it "imposes only a limited burden on voters' rights." *Burdick* v. *Takushi*, 504 U. S. 428, 439. The "precise interests" advanced by Indiana are therefore sufficient to defeat petitioners' facial challenge. *Id.*, at 434. Pp. 16–20.

(e) Valid neutral justifications for a nondiscriminatory law, such as SEA 483, should not be disregarded simply because partisan interests may have provided one motivation for the votes of individual legislators. P. 20.

JUSTICE SCALIA, joined by JUSTICE THOMAS and JUSTICE ALITO, was of the view that petitioners' premise that the voter-identification law might have imposed a special burden on some voters is irrelevant. The law should be upheld because its overall burden is minimal and justified. A law respecting the right to vote should be evaluated under the approach in Burdick v. Takushi, 504 U.S. 428, which calls for application of a deferential, "important regulatory interests" standard for nonsevere, nondiscriminatory restrictions, reserving strict scrutiny for laws that severely restrict the right to vote, id., at 433-434. The different ways in which Indiana's law affects different voters are no more than different impacts of the single burden that the law uniformly imposes on all voters: To vote in person, everyone must have and present a photo identification that can be obtained for free. This is a generally applicable, nondiscriminatory voting regulation. The law's universally applicable requirements are eminently reasonable because the burden of acquiring, possessing, and showing a free photo identification is not a significant increase over the usual voting burdens, and the State's stated interests are sufficient to sustain that minimal burden. Pp. 1-6.

STEVENS, J., announced the judgment of the Court and delivered an opinion, in which ROBERTS, C. J., and KENNEDY, J., joined. SCALIA, J., filed an opinion concurring in the judgment, in which THOMAS and ALITO, JJ., joined. SOUTER, J., filed a dissenting opinion, in which GINSBURG, J., joined. BREYER, J., filed a dissenting opinion.

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SUPREME COURT OF THE UNITED STATES

Nos. 07-21 and 07-25

WILLIAM CRAWFORD, ET AL., PETITIONERS 07–21 v. MARION COUNTY ELECTION BOARD ET AL.

INDIANA DEMOCRATIC PARTY, ET AL., PETITIONERS 07–25 v.
TODD ROKITA, INDIANA SECRETARY OF STATE, ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

[April 28, 2008]

JUSTICE STEVENS announced the judgment of the Court and delivered an opinion in which THE CHIEF JUSTICE and JUSTICE KENNEDY join.

At issue in these cases is the constitutionality of an Indiana statute requiring citizens voting in person on election day, or casting a ballot in person at the office of the circuit court clerk prior to election day, to present photo identification issued by the government.

Referred to as either the "Voter ID Law" or "SEA 483," the statute applies to in-person voting at both primary and general elections. The requirement does not apply to absentee ballots submitted by mail, and the statute contains an exception for persons living and voting in a state-

¹Senate Enrolled Act No. 483, 2005 Ind. Acts p. 2005.

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licensed facility such as a nursing home. Ind. Code Ann. §3–11–8–25.1(e) (West Supp. 2007). A voter who is indigent or has a religious objection to being photographed may cast a provisional ballot that will be counted only if she executes an appropriate affidavit before the circuit court clerk within 10 days following the election. §§3–11.7–5–1, 3–11.7–5–2.5(c) (West 2006).² A voter who has photo identification but is unable to present that identification on election day may file a provisional ballot that will be counted if she brings her photo identification to the circuit county clerk's office within 10 days. §3–11.7–5–2.5(b). No photo identification is required in order to register to vote,³ and the State offers free photo identification to qualified voters able to establish their residence and identity. §9–24–16–10(b) (West Supp. 2007).4

Promptly after the enactment of SEA 483 in 2005, the Indiana Democratic Party and the Marion County Democratic Central Committee (Democrats) filed suit in the Federal District Court for the Southern District of Indiana against the state officials responsible for its enforcement, seeking a judgment declaring the Voter ID Law invalid

²The affidavit must state that (1) the person executing the affidavit is the same individual who cast the provisional ballot on election day; and (2) the affiant is indigent and unable to obtain proof of identification without paying a fee or has a religious objection to being photographed. Ind. Code Ann. §3–11–7.5–2.5(c) (West 2006). If the election board determines that the challenge to the affiant was based solely on a failure to present photo identification, the "county election board shall . . . find that the voter's provisional ballot is valid." §3–11–7.5–2.5(d).

³Voters registering to vote for the first time in Indiana must abide by the requirements of the Help America Vote Act of 2002 (HAVA), 116 Stat. 1666, described *infra*, at 8–9.

⁴Indiana previously imposed a fee on all residents seeking a state-issued photo identification. At the same time that the Indiana Legislature enacted SEA 483, it also directed the Bureau of Motor Vehicles (BMV) to remove all fees for state-issued photo identification for individuals without a driver's license who are at least 18 years old. See 2005 Ind. Acts p. 2017, §18.

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and enjoining its enforcement. A second suit seeking the same relief was brought on behalf of two elected officials and several nonprofit organizations representing groups of elderly, disabled, poor, and minority voters.⁵ The cases were consolidated, and the State of Indiana intervened to defend the validity of the statute.

The complaints in the consolidated cases allege that the new law substantially burdens the right to vote in violation of the Fourteenth Amendment; that it is neither a necessary nor appropriate method of avoiding election fraud; and that it will arbitrarily disfranchise qualified voters who do not possess the required identification and will place an unjustified burden on those who cannot readily obtain such identification. Second Amended Complaint in No. 1: 05-CV-0634-SEB-VSS (SD Ind.), pp. 6-9 (hereinafter Second Amended Complaint).

After discovery, District Judge Barker prepared a comprehensive 70-page opinion explaining her decision to grant defendants' motion for summary judgment. 458 F. Supp. 2d 775 (SD Ind. 2006). She found that petitioners had "not introduced evidence of a single, individual Indiana resident who will be unable to vote as a result of SEA 483 or who will have his or her right to vote unduly burdened by its requirements." Id., at 783. She rejected "as utterly incredible and unreliable" an expert's report that up to 989,000 registered voters in Indiana did not possess either a driver's license or other acceptable photo identification. Id., at 803. She estimated that as of 2005, when the statute was enacted, around 43,000 Indiana

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⁵Specifically, the plaintiffs were William Crawford, Joseph Simpson, Concerned Clergy of Indianapolis, Indianapolis Resource Center for Independent Living, Indiana Coalition on Housing and Homeless Issues, Indianapolis Branch of the National Association for the Advancement of Colored People, and United Senior Action of Indiana. Complaint in No. 49012050 4PL01 6207 (Super. Ct. Marion Cty., Ind., Apr. 28, 2005), p. 2.

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residents lacked a state-issued driver's license or identification card. *Id.*, at 807.6

A divided panel of the Court of Appeals affirmed. 472 F. 3d 949 (CA7 2007). The majority first held that the Democrats had standing to bring a facial challenge to the constitutionality of SEA 483. Next, noting the absence of any plaintiffs who claimed that the law would deter them from voting, the Court of Appeals inferred that "the motivation for the suit is simply that the law may require the Democratic Party and the other organizational plaintiffs to work harder to get every last one of their supporters to the polls." Id., at 952. It rejected the argument that the law should be judged by the same strict standard applicable to a poll tax because the burden on voters was offset by the benefit of reducing the risk of fraud. The dissenting judge, viewing the justification for the law as "hollow"more precisely as "a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic"-would have applied a stricter standard, something he described as "close to 'strict scrutiny light." Id., at 954, 956 (opinion of Evans, J.). In his view, the "law imposes an undue burden on a recognizable segment of potential eligible voters" and therefore violates their rights under the First and Fourteenth Amendments to the Constitution. Id., at 956-957.

Four judges voted to grant a petition for rehearing en banc. 484 F. 3d 437 (CA7 2007) (Wood, J., dissenting from denial of rehearing en banc). Because we agreed with their assessment of the importance of these cases, we

⁶She added: "In other words, an estimated 99% of Indiana's voting age population already possesses the necessary photo identification to vote under the requirements of SEA 483." 458 F. Supp. 2d, at 807. Given the availability of free photo identification and greater public awareness of the new statutory requirement, presumably that percentage has increased since SEA 483 was enacted and will continue to increase in the future.

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granted certiorari. 551 U.S. ___ (2007). We are, however, persuaded that the District Court and the Court of Appeals correctly concluded that the evidence in the record is not sufficient to support a facial attack on the validity of the entire statute, and thus affirm.⁷

I

In Harper v. Virginia Bd. of Elections, 383 U.S. 663 (1966), the Court held that Virginia could not condition the right to vote in a state election on the payment of a poll tax of \$1.50. We rejected the dissenters' argument that the interest in promoting civic responsibility by weeding out those voters who did not care enough about public affairs to pay a small sum for the privilege of voting provided a rational basis for the tax. See id., at 685 (opinion of Harlan, J.). Applying a stricter standard, we concluded that a State "violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard." Id., at 666 (opinion of the Court). We used the term "invidiously discriminate" to describe conduct prohibited under that standard, noting that we had previously held that while a State may obviously impose "reasonable residence restrictions on the availability of the ballot," it "may not deny the opportunity to vote to a bona fide resident merely because he is a member of the armed services." Id., at 666-667 (citing Carrington v. Rash, 380 U.S. 89, 96 (1965)). Although the State's justification for the tax was rational, it was invidious because it was irrelevant to the voter's qualifications.

Thus, under the standard applied in *Harper*, even rational restrictions on the right to vote are invidious if they

⁷We also agree with the unanimous view of those judges that the Democrats have standing to challenge the validity of SEA 483 and that there is no need to decide whether the other petitioners also have standing.

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are unrelated to voter qualifications. In Anderson v. Celebrezze, 460 U.S. 780 (1983), however, we confirmed the general rule that "evenhanded restrictions that protect the integrity and reliability of the electoral process itself" are not invidious and satisfy the standard set forth in Harper. 460 U.S., at 788, n. 9. Rather than applying any "litmus test" that would neatly separate valid from invalid restrictions, we concluded that a court must identify and evaluate the interests put forward by the State as justifications for the burden imposed by its rule, and then make the "hard judgment" that our adversary system demands.

In later election cases we have followed Anderson's balancing approach. Thus, in Norman v. Reed, 502 U.S. 279, 288-289 (1992), after identifying the burden Illinois imposed on a political party's access to the ballot, we "called for the demonstration of a corresponding interest sufficiently weighty to justify the limitation," and concluded that the "severe restriction" was not justified by a narrowly drawn state interest of compelling importance. Later, in Burdick v. Takushi, 504 U.S. 428 (1992), we applied Anderson's standard for "'reasonable, nondiscriminatory restrictions," 504 U.S., at 434, and upheld Hawaii's prohibition on write-in voting despite the fact that it prevented a significant number of "voters from participating in Hawaii elections in a meaningful manner." Id., at 443 (KENNEDY, J., dissenting). We reaffirmed Anderson's requirement that a court evaluating a constitutional challenge to an election regulation weigh the asserted injury to the right to vote against the "'precise interests put forward by the State as justifications for the burden imposed by its rule." 504 U.S., at 434 (quoting Anderson, 460 U.S., at 789).8

⁸Contrary to JUSTICE SCALIA's suggestion, see *post*, at 2 (opinion concurring in judgment), our approach remains faithful to *Anderson* and *Burdick*. The *Burdick* opinion was explicit in its endorsement and

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In neither *Norman* nor *Burdick* did we identify any litmus test for measuring the severity of a burden that a state law imposes on a political party, an individual voter, or a discrete class of voters. However slight that burden may appear, as *Harper* demonstrates, it must be justified by relevant and legitimate state interests "sufficiently weighty to justify the limitation." *Norman*, 502 U.S., at 288–289. We therefore begin our analysis of the constitutionality of Indiana's statute by focusing on those interests.

II

The State has identified several state interests that arguably justify the burdens that SEA 483 imposes on voters and potential voters. While petitioners argue that the statute was actually motivated by partisan concerns and dispute both the significance of the State's interests and the magnitude of any real threat to those interests, they do not question the legitimacy of the interests the State has identified. Each is unquestionably relevant to the State's interest in protecting the integrity and reliability of the electoral process.

The first is the interest in deterring and detecting voter fraud. The State has a valid interest in participating in a nationwide effort to improve and modernize election procedures that have been criticized as antiquated and inefficient.⁹ The State also argues that it has a particular

adherence to Anderson, see 504 U.S., at 434, and repeatedly cited Anderson, see 504 U.S., at 436, n. 5, 440, n. 9, 441. To be sure, Burdick rejected the argument that strict scrutiny applies to all laws imposing a burden on the right to vote; but in its place, the Court applied the "'flexible standard'" set forth in Anderson. Burdick surely did not create a novel "deferential 'important regulatory interests' standard." See post, at 1-2.

⁹See National Commission on Federal Election Reform, To Assure Pride and Confidence in the Electoral Process 18 (2002) (with Honorary Co-chairs former Presidents Gerald Ford and Jimmy Carter).

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interest in preventing voter fraud in response to a problem that is in part the product of its own maladministration—namely, that Indiana's voter registration rolls include a large number of names of persons who are either deceased or no longer live in Indiana. Finally, the State relies on its interest in safeguarding voter confidence. Each of these interests merits separate comment.

Election Modernization

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Two recently enacted federal statutes have made it necessary for States to reexamine their election procedures. Both contain provisions consistent with a State's choice to use government-issued photo identification as a relevant source of information concerning a citizen's eligibility to vote.

In the National Voter Registration Act of 1993 (NVRA), 107 Stat. 77, 42 U.S.C. §1973gg et seq., Congress established procedures that would both increase the number of registered voters and protect the integrity of the electoral process. §1973gg. The statute requires state motor vehicle driver's license applications to serve as voter registration applications. §1973gg-3. While that requirement has increased the number of registered voters, the statute also contains a provision restricting States' ability to remove names from the lists of registered voters. §1973gg-6(a)(3). These protections have been partly responsible for inflated lists of registered voters. For example, evidence credited by Judge Barker estimated that as of 2004 Indiana's voter rolls were inflated by as much as 41.4%, see 458 F. Supp. 2d, at 793, and data collected by the Election Assistance Committee in 2004 indicated that 19 of 92 Indiana counties had registration totals exceeding 100% of the 2004 voting-age population, Dept. of Justice Complaint in United States v. Indiana, No. 1:06-cv-1000-RLY-TAB (SD Ind., June 27, 2006), p. 4, App. 313.

In HAVA, Congress required every State to create and

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maintain a computerized statewide list of all registered voters. 42 U.S.C. §15483(a) (2000 ed., Supp. V). HAVA also requires the States to verify voter information contained in a voter registration application and specifies either an "applicant's driver's license number" or "the last 4 digits of the applicant's social security number" as acceptable verifications. §15483(a)(5)(A)(i). If an individual has neither number, the State is required to assign the applicant a voter identification number.

§15483(a)(5)(A)(ii).

HAVA also imposes new identification requirements for individuals registering to vote for the first time who submit their applications by mail. If the voter is casting his ballot in person, he must present local election officials with written identification, which may be either "a current and valid photo identification" or another form of documentation such as a bank statement or paycheck. §15483(b)(2)(A). If the voter is voting by mail, he must include a copy of the identification with his ballot. A voter may also include a copy of the documentation with his application or provide his driver's license number or Social Security number for verification. §15483(b)(3). Finally, in a provision entitled "Fail-safe voting," HAVA authorizes the casting of provisional ballots by challenged voters. §15483(b)(2)(B).

Of course, neither HAVA nor NVRA required Indiana to enact SEA 483, but they do indicate that Congress believes that photo identification is one effective method of establishing a voter's qualification to vote and that the integrity of elections is enhanced through improved technology. That conclusion is also supported by a report issued shortly after the enactment of SEA 483 by the Commission on Federal Election Reform chaired by former President Jimmy Carter and former Secretary of State James A. Baker III, which is a part of the record in these cases. In the introduction to their discussion of voter

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identification, they made these pertinent comments:

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"A good registration list will ensure that citizens are only registered in one place, but election officials still need to make sure that the person arriving at a polling site is the same one that is named on the registration list. In the old days and in small towns where everyone knows each other, voters did not need to identify themselves. But in the United States, where 40 million people move each year, and in urban areas where some people do not even know the people living in their own apartment building let alone their precinct, some form of identification is needed.

"There is no evidence of extensive fraud in U.S. elections or of multiple voting, but both occur, and it could affect the outcome of a close election. The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo identification cards currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important." Commission on Federal Election Reform, Report, Building Confidence in U.S. Elections §2.5 (Sept. 2005), App. 136–137 (Carter-Baker Report) (footnote omitted).¹⁰

¹⁰ The historical perceptions of the Carter-Baker Report can largely be confirmed. The average precinct size in the United States has increased in the last century, suggesting that it is less likely that poll workers will be personally acquainted with voters. For example, at the time Joseph Harris wrote his groundbreaking 1934 report on election administration, Indiana restricted the number of voters in each precinct to 250. J. Harris, Election Administration in the United States 208 (Brookings Institution 1934). An Election Commission report indicates that Indiana's average number of registered voters per polling place is currently 1,014. Election Assistance Commission, Final Report of the 2004 Election Day Survey, ch. 13 (Sept. 2005) (Table 13) (hereinafter Final Report)

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Voter Fraud

The only kind of voter fraud that SEA 483 addresses is in-person voter impersonation at polling places. The record contains no evidence of any such fraud actually occurring in Indiana at any time in its history. Moreover, petitioners argue that provisions of the Indiana Criminal Code punishing such conduct as a felony provide adequate protection against the risk that such conduct will occur in the future. It remains true, however, that flagrant examples of such fraud in other parts of the country have been documented throughout this Nation's history by respected historians and journalists, 11 that occasional examples have surfaced in recent years, 12 and that Indiana's own experi-

(prepared by Election Data Services, Inc.), online at http://www.eac.gov/clearinghouse/clearinghouse/2004-election-day-survey (all Internet materials as visited Apr. 16, 2008, and available in Clerk of Court's case file). In 1930, the major cities that Harris surveyed had an average number of voters per precinct that ranged from 247 to 617. Election Administration in the United States, at 214. While States vary today, most have averages exceeding 1,000, with at least eight States exceeding 2,000 registered voters per polling place. Final Report, ch. 13 (Table 13).

11 Infamous examples abound in the New York City elections of the late nineteenth century, conducted under the influence of the Tammany Hall political machine. "Big Tim" Sullivan, a New York state senator, and—briefly—a United States Congressman, insisted that his "repeaters" (individuals paid to vote multiple times) have whiskers:

"'When you've voted 'em with their whiskers on you take 'em to a barber and scrape off the chin-fringe. Then you vote 'em again with side lilacs and a moustache. Then to a barber again, off comes the sides and you vote 'em a third time with the moustache. If that ain't enough and the box can stand a few more ballots clean off the moustache and vote 'em plain face. That makes every one of 'em good for four votes.'" M. Werner, Tammany Hall 439 (1928).

¹² Judge Barker cited record evidence containing examples from California, Washington, Maryland, Wisconsin, Georgia, Illinois, Pennsylvania, Missouri, Miami, and St. Louis. The Brief of Amici Curiae Brennan Center for Justice et al. in Support of Petitioners addresses

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ence with fraudulent voting in the 2003 Democratic primary for East Chicago Mayor¹³—though perpetrated using absentee ballots and not in-person fraud—demonstrate that not only is the risk of voter fraud real but that it could affect the outcome of a close election.

There is no question about the legitimacy or importance of the State's interest in counting only the votes of eligible voters. Moreover, the interest in orderly administration and accurate recordkeeping provides a sufficient justification for carefully identifying all voters participating in the election process. While the most effective method of preventing election fraud may well be debatable, the propriety of doing so is perfectly clear.

In its brief, the State argues that the inflation of its voter rolls provides further support for its enactment of SEA 483. The record contains a November 5, 2000, newspaper article asserting that as a result of NVRA and

each of these examples of fraud. While the brief indicates that the record evidence of in-person fraud was overstated because much of the fraud was actually absentee ballot fraud or voter registration fraud, there remain scattered instances of in-person voter fraud. For example, after a hotly contested gubernatorial election in 2004, Washington conducted an investigation of voter fraud and uncovered 19 "ghost voters." Borders v. King Cty., No. 05–2–00027–3 (Super. Ct. Chelan Cty., Wash., June 6, 2005) (verbatim report of unpublished oral decision), 4 Election L. J. 418, 423 (2005). After a partial investigation of the ghost voting, one voter was confirmed to have committed in-person voting fraud. Le & Nicolosi, Dead Voted in Governor's Race, Seattle Post-Intelligencer, Jan. 7, 2005, p. A1.

¹³ See *Pabey* v. *Pastrick*, 816 N. E. 2d 1138, 1151 (Ind. 2006) (holding that a special election was required because one candidate engaged in "a deliberate series of actions... making it impossible to determine the candidate who received the highest number of legal votes cast in the election"). According to the uncontested factual findings of the trial court, one of the candidates paid supporters to stand near polling places and encourage voters—especially those who were poor, infirm, or spoke little English—to vote absentee. The supporters asked the voters to contact them when they received their ballots; the supporters then "assisted" the voter in filling out the ballot.

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"sloppy record keeping," Indiana's lists of registered voters included the names of thousands of persons who had either moved, died, or were not eligible to vote because they had been convicted of felonies. The conclusion that Indiana has an unusually inflated list of registered voters is supported by the entry of a consent decree in litigation brought by the Federal Government alleging violations of NVRA. Consent Decree and Order in *United States* v. *Indiana*, No. 1:06-cv-1000-RLY-TAB (SD Ind., June 27, 2006), App. 299-307. Even though Indiana's own negligence may have contributed to the serious inflation of its registration lists when SEA 483 was enacted, the fact of inflated voter rolls does provide a neutral and nondiscriminatory reason supporting the State's decision to require photo identification.

Safeguarding Voter Confidence

Finally, the State contends that it has an interest in protecting public confidence "in the integrity and legitimacy of representative government." Brief for State Respondents, No. 07-25, p. 53. While that interest is closely related to the State's interest in preventing voter fraud, public confidence in the integrity of the electoral process has independent significance, because it encourages citizen participation in the democratic process. As the Carter-Baker Report observed, the "electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters." Suppra, at 10.

III

States employ different methods of identifying eligible voters at the polls. Some merely check off the names of registered voters who identify themselves; others require

¹⁴Theobald, Bogus Names Jam Indiana's Voter List, Indianapolis Star, Nov. 5, 2000, App. 145.

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voters to present registration cards or other documentation before they can vote; some require voters to sign their names so their signatures can be compared with those on file; and in recent years an increasing number of States have relied primarily on photo identification.¹⁵ A photo identification requirement imposes some burdens on voters that other methods of identification do not share. For example, a voter may lose his photo identification, may have his wallet stolen on the way to the polls, or may not resemble the photo in the identification because he recently grew a beard. Burdens of that sort arising from life's vagaries, however, are neither so serious nor so frequent as to raise any question about the constitutionality of SEA 483; the availability of the right to cast a provisional ballot provides an adequate remedy for problems of that character.

The burdens that are relevant to the issue before us are those imposed on persons who are eligible to vote but do not possess a current photo identification that complies with the requirements of SEA 483. The fact that most voters already possess a valid driver's license, or some other form of acceptable identification, would not save the statute under our reasoning in *Harper*, if the State re-

¹⁵ For a survey of state practice, see Brief for Texas et al. as *Amici Curiae* 10-14, and nn. 1-23.

 $^{^{16}\,\}text{Ind.}$ Code Ann. §3–5–2–40.5 (West 2006) requires that the document satisfy the following:

[&]quot;(1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.

[&]quot;(2) The document shows a photograph of the individual to whom the document was issued.

[&]quot;(3) The document includes an expiration date, and the document:

[&]quot;(A) is not expired; or

[&]quot;(B) expired after the date of the most recent general election.

[&]quot;(4) The document was issued by the United States or the state of Indiana."

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quired voters to pay a tax or a fee to obtain a new photo identification. But just as other States provide free voter registration cards, the photo identification cards issued by Indiana's BMV are also free. For most voters who need them, the inconvenience of making a trip to the BMV, gathering the required documents, and posing for a photograph surely does not qualify as a substantial burden on the right to vote, or even represent a significant increase over the usual burdens of voting.¹⁷

Both evidence in the record and facts of which we may take judicial notice, however, indicate that a somewhat heavier burden may be placed on a limited number of persons. They include elderly persons born out-of-state, who may have difficulty obtaining a birth certificate; because of economic or other personal limitations may find it difficult either to secure a copy of their birth certificate or to assemble the other required documentation to obtain a state-issued identification; homeless persons; and persons with a religious objection to being photographed. If we assume, as the evidence suggests,

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¹⁷To obtain a photo identification card a person must present at least one "primary" document, which can be a birth certificate, certificate of naturalization, U. S. veterans photo identification, U. S. military photo identification, or a U. S. passport. Ind. Admin. Code, tit. 140, §7–4–3 (2008). Indiana, like most States, charges a fee for obtaining a copy of one's birth certificate. This fee varies by county and is currently between \$3 and \$12. See Indiana State Department of Health Web page, http://www.in.gov/isdh/bdcertifs/lhdfees/toc.htm. Some States charge substantially more. Affidavit of Robert Andrew Ford, App. 12.

¹⁸As petitioners note, Brief for Petitioners in No. 07–21, p. 17, n. 7, and the State's "Frequently Asked Questions" Web page states, it appears that elderly persons who can attest that they were never issued a birth certificate may present other forms of identification as their primary document to the Indiana BMV, including Medicaid/Medicare cards and Social Security benefits statements. http://www.in.gov/faqs.htm; see also Ind. Admin. Code, tit. 140, §7–4–3 ("The commissioner or the commissioner's designee may accept reasonable alternate documents to satisfy the requirements of this rule").

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that some members of these classes were registered voters when SEA 483 was enacted, the new identification requirement may have imposed a special burden on their right to vote.

The severity of that burden is, of course, mitigated by the fact that, if eligible, voters without photo identification may cast provisional ballots that will ultimately be counted. To do so, however, they must travel to the circuit court clerk's office within 10 days to execute the required affidavit. It is unlikely that such a requirement would pose a constitutional problem unless it is wholly unjustified. And even assuming that the burden may not be justified as to a few voters, 19 that conclusion is by no means sufficient to establish petitioners' right to the relief they seek in this litigation.

IV

Given the fact that petitioners have advanced a broad attack on the constitutionality of SEA 483, seeking relief that would invalidate the statute in all its applications, they bear a heavy burden of persuasion. Only a few weeks ago we held that the Court of Appeals for the Ninth Circuit had failed to give appropriate weight to the magnitude of that burden when it sustained a preelection, facial attack on a Washington statute regulating that State's primary election procedures. Washington State Grange v. Washington State Republican Party, 552 U.S. (2008). Our reasoning in that case applies with added force to the arguments advanced by petitioners in these cases.

¹⁹ Presumably most voters casting provisional ballots will be able to obtain photo identifications before the next election. It is, however, difficult to understand why the State should require voters with a faith-based objection to being photographed to cast provisional ballots subject to later verification in every election when the BMV is able to issue these citizens special licenses that enable them to drive without any photo identification. See Ind. Code Ann. 9–24–11–5(c) (West Supp. 2007).

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Petitioners ask this Court, in effect, to perform a unique balancing analysis that looks specifically at a small number of voters who may experience a special burden under the statute and weighs their burdens against the State's broad interests in protecting election integrity. Petitioners urge us to ask whether the State's interests justify the burden imposed on voters who cannot afford or obtain a birth certificate and who must make a second trip to the circuit court clerk's office after voting. But on the basis of the evidence in the record it is not possible to quantify either the magnitude of the burden on this narrow class of voters or the portion of the burden imposed on them that is fully justified.

First, the evidence in the record does not provide us with the number of registered voters without photo identification; Judge Barker found petitioners' expert's report to be "utterly incredible and unreliable." 458 F. Supp. 2d, at 803. Much of the argument about the numbers of such voters comes from extrarecord, postjudgment studies, the accuracy of which has not been tested in the trial court.

Further, the deposition evidence presented in the District Court does not provide any concrete evidence of the burden imposed on voters who currently lack photo identification. The record includes depositions of two case managers at a day shelter for homeless persons and the depositions of members of the plaintiff organizations, none of whom expressed a personal inability to vote under SEA 483. A deposition from a named plaintiff describes the difficulty the elderly woman had in obtaining an identification card, although her testimony indicated that she intended to return to the BMV since she had recently obtained her birth certificate and that she was able to pay the birth certificate fee. App. 94.

Judge Barker's opinion makes reference to six other elderly named plaintiffs who do not have photo identifications, but several of these individuals have birth certifi-

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cates or were born in Indiana and have not indicated how difficult it would be for them to obtain a birth certificate. 458 F. Supp. 2d, at 797–799. One elderly named plaintiff stated that she had attempted to obtain a birth certificate from Tennessee, but had not been successful, and another testified that he did not know how to obtain a birth certificate from North Carolina. The elderly in Indiana, however, may have an easier time obtaining a photo identification card than the nonelderly, see n. 17, *supra*, and although it may not be a completely acceptable alternative, the elderly in Indiana are able to vote absentee without presenting photo identification.

The record says virtually nothing about the difficulties faced by either indigent voters or voters with religious objections to being photographed. While one elderly man stated that he did not have the money to pay for a birth certificate, when asked if he did not have the money or did not wish to spend it, he replied, "both." App. 211–212. From this limited evidence we do not know the magnitude of the impact SEA 483 will have on indigent voters in Indiana. The record does contain the affidavit of one homeless woman who has a copy of her birth certificate, but was denied a photo identification card because she did not have an address. *Id.*, at 67. But that single affidavit gives no indication of how common the problem is.

In sum, on the basis of the record that has been made in this litigation, we cannot conclude that the statute imposes "excessively burdensome requirements" on any class of voters. See *Storer* v. *Brown*, 415 U. S. 724, 738 (1974).²⁰

²⁰Three comments on JUSTICE SOUTER's speculation about the non-trivial burdens that SEA 483 may impose on "tens of thousands" of Indiana citizens, post, at 1 (dissenting opinion), are appropriate. First, the fact that the District Judge estimated that when the statute was passed in 2005, 43,000 citizens did not have photo identification, see 458 F. Supp. 2d 775, 807 (SD Ind. 2006), tells us nothing about the number of free photo identification cards issued since then. Second, the

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A facial challenge must fail where the statute has a "'plainly legitimate sweep." Washington State Grange, 552 U.S., at ___ (quoting Washington v. Glucksberg, 521 U. S. 702, 739-740, and n. 7 (1997) (STEVENS, J., concurring in judgments)). When we consider only the statute's broad application to all Indiana voters we conclude that it "imposes only a limited burden on voters' rights." Burdick, 504 U.S., at 439. The "'precise interests'" advanced by the State are therefore sufficient to defeat petitioners' facial challenge to SEA 483. Id., at 434.

Finally we note that petitioners have not demonstrated that the proper remedy-even assuming an unjustified burden on some voters—would be to invalidate the entire statute. When evaluating a neutral, nondiscriminatory regulation of voting procedure, "[w]e must keep in mind that "'[a] ruling of unconstitutionality frustrates the intent of the elected representatives of the people." Ayotte v. Planned Parenthood of Northern New Eng., 546 U.S.

fact that public transportation is not available in some Indiana counties tells us nothing about how often elderly and indigent citizens have an opportunity to obtain a photo identification at the BMV, either during a routine outing with family or friends or during a special visit to the BMV arranged by a civic or political group such as the League of Women Voters or a political party. Further, nothing in the record establishes the distribution of voters who lack photo identification. To the extent that the evidence sheds any light on that issue, it suggests that such voters reside primarily in metropolitan areas, which are served by public transportation in Indiana (the majority of the plaintiffs reside in Indianapolis and several of the organizational plaintiffs are Indianapolis organizations). Third, the indigent, elderly, or disabled need not "journey all the way to their county seat each time they wish to exercise the franchise," post, at 29, if they obtain a free photo identification card from the BMV. While it is true that obtaining a birth certificate carries with it a financial cost, the record does not provide even a rough estimate of how many indigent voters lack copies of their birth certificates. Supposition based on extensive Internet research is not an adequate substitute for admissible evidence subject to cross-examination in constitutional adjudication.

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320, 329 (2006) (quoting Regan v. Time, Inc., 468 U.S. 641, 652 (1984) (plurality opinion))" Washington State Grange, 552 U.S., at ___ (slip op., at 8).

V

In their briefs, petitioners stress the fact that all of the Republicans in the General Assembly voted in favor of SEA 483 and the Democrats were unanimous in opposing it.²¹ In her opinion rejecting petitioners' facial challenge, Judge Barker noted that the litigation was the result of a partisan dispute that had "spilled out of the state house into the courts." 458 F. Supp. 2d, at 783. It is fair to infer that partisan considerations may have played a significant role in the decision to enact SEA 483. If such considerations had provided the only justification for a photo identification requirement, we may also assume that SEA 483 would suffer the same fate as the poll tax at issue in *Harper*.

But if a nondiscriminatory law is supported by valid neutral justifications, those justifications should not be disregarded simply because partisan interests may have provided one motivation for the votes of individual legislators. The state interests identified as justifications for SEA 483 are both neutral and sufficiently strong to require us to reject petitioners' facial attack on the statute. The application of the statute to the vast majority of Indiana voters is amply justified by the valid interest in protecting "the integrity and reliability of the electoral process." Anderson, 460 U. S., at 788, n. 9.

²¹ Brief for Petitioners in No. 07–25, pp. 6–9. Fifty-two Republican House members voted for the bill, 45 Democrats voted against, and 3 Democrats were excused from voting. 3 Journal of the House of Representatives of Indiana, Roll Call 259 (Mar. 21, 2005). In the Senate, 33 Republican Senators voted in favor and 17 Democratic Senators voted against. 3 Journal of the Senate of Indiana, Roll Call 417 (Apr. 12, 2005).

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The judgment of the Court of Appeals is affirmed.

It is so ordered.

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SCALIA, J., concurring in judgment

SUPREME COURT OF THE UNITED STATES

Nos. 07-21 and 07-25

WILLIAM CRAWFORD, ET AL., PETITIONERS 07–21 υ . MARION COUNTY ELECTION BOARD ET AL.

INDIANA DEMOCRATIC PARTY, ET AL., PETITIONERS 07–25 v. TODD ROKITA, INDIANA SECRETARY OF STATE,

ET AL.
ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SEVENTH CIRCUIT

[April 28, 2008]

JUSTICE SCALIA, with whom JUSTICE THOMAS and JUSTICE ALITO join, concurring in the judgment.

The lead opinion assumes petitioners' premise that the voter-identification law "may have imposed a special burden on" some voters, ante, at 16, but holds that petitioners have not assembled evidence to show that the special burden is severe enough to warrant strict scrutiny, ante, at 18–19. That is true enough, but for the sake of clarity and finality (as well as adherence to precedent), I prefer to decide these cases on the grounds that petitioners' premise is irrelevant and that the burden at issue is minimal and justified.

To evaluate a law respecting the right to vote—whether it governs voter qualifications, candidate selection, or the voting process—we use the approach set out in *Burdick* v. *Takushi*, 504 U. S. 428 (1992). This calls for application of a deferential "important regulatory interests" standard for nonsevere, nondiscriminatory restrictions, reserving strict

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scrutiny for laws that severely restrict the right to vote. Id., at 433-434 (internal quotation marks omitted). The lead opinion resists the import of Burdick by characterizing it as simply adopting "the balancing approach" of Anderson v. Celebrezze, 460 U.S. 780 (1983) (majority opinion of STEVENS, J.). See ante, at 6; see also ante, at 6-Although Burdick liberally quoted Anderson, Burdick forged Anderson's amorphous "flexible standard" into something resembling an administrable rule. Burdick, supra, at 434. Since Burdick, we have repeatedly reaffirmed the primacy of its two-track approach. Timmons v. Twin Cities Area New Party, 520 U.S. 351, 358 (1997); Clingman v. Beaver, 544 U.S. 581, 586-587 (2005). "[S]trict scrutiny is appropriate only if the burden is severe." Id., at 592. Thus, the first step is to decide whether a challenged law severely burdens the right to vote. Ordinary and widespread burdens, such as those requiring "nominal effort" of everyone, are not severe. See id., at 591, 593-597. Burdens are severe if they go beyond the merely inconvenient. See Storer v. Brown, 415 U.S. 724. 728-729 (1974) (characterizing the law in Williams v. Rhodes, 393 U.S. 23 (1968), as "severe" because it was "so burdensome" as to be "'virtually impossible'" to satisfy).

Of course, we have to identify a burden before we can weigh it. The Indiana law affects different voters differently, ante, at 14–16, but what petitioners view as the law's several light and heavy burdens are no more than the different impacts of the single burden that the law uniformly imposes on all voters. To vote in person in Indiana, everyone must have and present a photo identification that can be obtained for free. The State draws no classifications, let alone discriminatory ones, except to establish optional absentee and provisional balloting for certain poor, elderly, and institutionalized voters and for religious objectors. Nor are voters who already have photo identifications exempted from the burden, since those

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voters must maintain the accuracy of the information displayed on the identifications, renew them before they expire, and replace them if they are lost.

The Indiana photo-identification law is a generally applicable, nondiscriminatory voting regulation, and our precedents refute the view that individual impacts are relevant to determining the severity of the burden it imposes. In the course of concluding that the Hawaii laws at issue in Burdick "impose[d] only a limited burden on voters' rights to make free choices and to associate politically through the vote," 504 U.S., at 439, we considered the laws and their reasonably foreseeable effect on voters We did not discuss See id., at 436–437. generally. whether the laws had a severe effect on Mr. Burdick's own right to vote, given his particular circumstances. That was essentially the approach of the Burdick dissenters, who would have applied strict scrutiny to the laws because of their effect on "some voters." See id., at 446 (KENNEDY, J., dissenting); see also id., at 448 ("The majority's analysis ignores the inevitable and significant burden a write-in ban imposes upon some individual voters " (emphasis added)). Subsequent cases have followed Burdick's generalized review of nondiscriminatory election laws. See, e.g., Timmons, supra, at 361-362; Clingman, supra, at 590-591, 592-593. Indeed, Clingman's holding that burdens are not severe if they are ordinary and widespread would be rendered meaningless if a single plaintiff could claim a severe burden.

Not all of our decisions predating Burdick addressed whether a challenged voting regulation severely burdened the right to vote, but when we began to grapple with the magnitude of burdens, we did so categorically and did not consider the peculiar circumstances of individual voters or candidates. See, e.g., Jenness v. Fortson, 403 U. S. 431, 438–441 (1971). Thus, in Rosario v. Rockefeller, 410 U. S. 752 (1973), we did not link the State's interest in inhibit-

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ing party raiding with the petitioners' own circumstances. See id., at 760–762. And in Storer v. Brown, supra, we observed that the severity of the burden of a regulation should be measured according to its "nature, extent, and likely impact." Id., at 738 (emphasis added). We therefore instructed the District Court to decide on remand whether "a reasonably diligent independent candidate [could] be expected to satisfy the signature requirements, or will it be only rarely that the unaffiliated candidate will succeed in getting on the ballot?" Id., at 742 (emphasis added). Notably, we did not suggest that the District Court should consider whether one of the petitioners would actually find it more difficult than a reasonably diligent candidate to obtain the required signatures. What mattered was the general assessment of the burden.

Insofar as our election-regulation cases rest upon the requirements of the Fourteenth Amendment, see Anderson, supra, at 786, n. 7, weighing the burden of a nondiscriminatory voting law upon each voter and concomitantly requiring exceptions for vulnerable voters would effectively turn back decades of equal-protection jurisprudence. A voter complaining about such a law's effect on him has no valid equal-protection claim because, without proof of discriminatory intent, a generally applicable law with disparate impact is not unconstitutional. See, e.g., Washington v. Davis, 426 U.S. 229, 248 (1976). The Fourteenth Amendment does not regard neutral laws as invidious ones, even when their burdens purportedly fall disproportionately on a protected class. A fortiori it does not do so when, as here, the classes complaining of disparate impact are not even protected.* See Harris v. McRae, 448 U.S.

^{*}A number of our early right-to-vote decisions, purporting to rely upon the Equal Protection Clause, strictly scrutinized nondiscriminatory voting laws requiring the payment of fees. See, e.g., Harper v. Virginia Bd. of Elections, 383 U. S. 663, 670 (1966) (poll tax); Bullock v. Carter, 405 U. S. 134, 145 (1972) (ballot-access fee); Lubin v. Panish,

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297, 323, and n. 26 (1980) (poverty); Cleburne v. Cleburne Living Center, Inc., 473 U. S. 432, 442 (1985) (disability); Gregory v. Ashcroft, 501 U. S. 452, 473 (1991) (age); cf. Employment Div., Dept. of Human Resources of Ore. v. Smith, 494 U. S. 872, 878-879 (1990) (First Amendment does not require exceptions for religious objectors to neutral rules of general applicability).

Even if I thought that stare decisis did not foreclose adopting an individual-focused approach, I would reject it as an original matter. This is an area where the dos and don'ts need to be known in advance of the election, and voter-by-voter examination of the burdens of voting regulations would prove especially disruptive. A case-by-case approach naturally encourages constant litigation. Very few new election regulations improve everyone's lot, so the potential allegations of severe burden are endless. A State reducing the number of polling places would be open to the complaint it has violated the rights of disabled voters who live near the closed stations. Indeed, it may even be the case that some laws already on the books are especially burdensome for some voters, and one can predict lawsuits demanding that a State adopt voting over the Internet or expand absentee balloting.

That sort of detailed judicial supervision of the election process would flout the Constitution's express commitment of the task to the States. See Art. I, §4. It is for state legislatures to weigh the costs and benefits of possible changes to their election codes, and their judgment must prevail unless it imposes a severe and unjustified overall burden upon the right to vote, or is intended to

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⁴¹⁵ U.S. 709, 716-719 (1974) (ballot-access fee). To the extent those decisions continue to stand for a principle that Burdick v. Takushi, 504 U.S. 428 (1992), does not already encompass, it suffices to note that we have never held that legislatures must calibrate all election laws, even those totally unrelated to money, for their impacts on poor voters or must otherwise accommodate wealth disparities.

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disadvantage a particular class. Judicial review of their handiwork must apply an objective, uniform standard that will enable them to determine, *ex ante*, whether the burden they impose is too severe.

The lead opinion's record-based resolution of these cases, which neither rejects nor embraces the rule of our precedents, provides no certainty, and will embolden litigants who surmise that our precedents have been abandoned. There is no good reason to prefer that course.

The universally applicable requirements of Indiana's voter-identification law are eminently reasonable. The burden of acquiring, possessing, and showing a free photo identification is simply not severe, because it does not "even represent a significant increase over the usual burdens of voting." Ante, at 15. And the State's interests, ante, at 7–13, are sufficient to sustain that minimal burden. That should end the matter. That the State accommodates some voters by permitting (not requiring) the casting of absentee or provisional ballots, is an indulgence—not a constitutional imperative that falls short of what is required.

SOUTER, J., dissenting

SUPREME COURT OF THE UNITED STATES

Nos. 07-21 and 07-25

WILLIAM CRAWFORD, ET AL., PETITIONERS 07–21 υ . MARION COUNTY ELECTION BOARD ET AL.

INDIANA DEMOCRATIC PARTY, ET AL., PETITIONERS 07-25 υ .

TODD ROKITA, INDIANA SECRETARY OF STATE, ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

[April 28, 2008]

JUSTICE SOUTER, with whom JUSTICE GINSBURG joins, dissenting.

Indiana's "Voter ID Law" threatens to impose nontrivial burdens on the voting right of tens of thousands of the State's citizens, see ante, at 14–15 (lead opinion), and a significant percentage of those individuals are likely to be deterred from voting, see ante, at 15–16. The statute is unconstitutional under the balancing standard of Burdick v. Takushi, 504 U. S. 428 (1992): a State may not burden the right to vote merely by invoking abstract interests, be they legitimate, see ante, at 7–13, or even compelling, but must make a particular, factual showing that threats to its interests outweigh the particular impediments it has imposed. The State has made no such justification here, and as to some aspects of its law, it has hardly even tried. I therefore respectfully dissent from the Court's judgment

¹Senate Enrolled Act No. 483, 2005 Ind. Acts p. 2005.

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sustaining the statute.2

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Ι

Voting-rights cases raise two competing interests, the one side being the fundamental right to vote. See Burdick, supra, at 433 ("It is beyond cavil that 'voting is of the most fundamental significance under our constitutional structure" (quoting Illinois Bd. of Elections v. Socialist Workers Party, 440 U.S. 173, 184 (1979)); see also Purcell v. Gonzalez, 549 U.S. 1, 3-4 (2006) (per curiam); Dunn v. Blumstein, 405 U.S. 330, 336 (1972); Reynolds v. Sims, 377 U. S. 533, 561-562 (1964); Yick Wo v. Hopkins, 118 U. S. 356, 370 (1886). The Judiciary is obliged to train a skeptical eye on any qualification of that right. See Reynolds, supra, at 562 ("Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized").

As against the unfettered right, however, lies the "[c]ommon sense, as well as constitutional law . . . that government must play an active role in structuring elections; 'as a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes.'" Burdick, supra, at 433 (quoting Storer v. Brown, 415 U. S. 724, 730 (1974)); see also Burdick, supra, at 433 ("Election laws will invariably impose some burden upon individual voters").

Given the legitimacy of interests on both sides, we have avoided pre-set levels of scrutiny in favor of a sliding-scale balancing analysis: the scrutiny varies with the effect of the regulation at issue. And whatever the claim, the

²I agree with the lead opinion that the petitioners in No. 07–25 have standing and that we therefore need not determine whether the remaining petitioners also have standing. See *ante*, at 5, n. 7.